

FBI

Date: 5/1/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Gebhardt	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input checked="" type="checkbox"/>
Mr. Miller, E.S.	<input checked="" type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Kinley	<input type="checkbox"/>
Mr. Armstrong	<input type="checkbox"/>
Mr. Bowers	<input type="checkbox"/>
Mr. Herington	<input type="checkbox"/>
Ms. Herwig	<input type="checkbox"/>
Mr. Mintz	<input type="checkbox"/>
Mrs. Neenan	<input type="checkbox"/>

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTD

FROM: SAC, WFO (65-11613)

MC LEK

Enclosed for the Bureau are 5 copies and for LA 5 copies of an LHM reflecting interviews of JOHN D. EHRLICHMAN, former Assistant to the President, H. R. HALDEMAN, former Assistant to the President, BRUCE KHERLI, Administrative Officer for the White House and abortive interviews of G. GORDON LIDDY and E. HOWARD HUNT on 5/1/73. These interviews were for the purpose of establishing whereabouts of results of investigation into the "Pentagon Papers" case conducted on behalf of the White House.

*Watergate
Plumbers +*

here in...

REC 107

17 MAY 21 1973

- (2) - Bureau (Enc. 5)
2 - Los Angeles (Enc. 5) (AM/SPECIAL DELIVERY)
3 - WFO

CJJ:jak
(7)Approved: *McD*

Sent _____

M

Per _____

Special Agent in Charge

79 MAY 23 1973

U.S. Government Printing Office: 1972 - 455-57

76



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Washington, D. C. 20535
May 1, 1973

DANIEL ELLSBERG
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports investigation conducted at Washington, D. C., May 1, 1973 to establish whereabouts of results of investigation into "Pentagon Papers" case conducted on behalf of the White House.

THIS DOCUMENT CONTAINS NEITHER
RECOMMENDATIONS NOR CONCLUSIONS OF
THE FBI. IT IS THE PROPERTY OF
THE FBI AND IS LOANED TO YOUR AGENCY;
IT AND ITS CONTENTS ARE NOT TO BE
DISTRIBUTED OUTSIDE YOUR AGENCY.

65-74000-4329

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

H. R. HALDEMAN, former Assistant to the President, was interviewed in the presence of his attorneys, JOHN WILSON and FRANK H. STRICKLER in their offices at 815 15th Street, N.W., Washington, D. C.

Mr. HALDEMAN was advised he was being contacted at the request of the Department of Justice to determine if he has any knowledge of the whereabouts of results of any investigation conducted by the White House including reports, memoranda or other data concerning the "Pentagon Papers" case, any defendants in that case or any members of families of defendants.

Mr. HALDEMAN said he had no knowledge of any investigation conducted by the White House regarding the "Pentagon Papers" nor any information about the existence or whereabouts of results of such investigation.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613

by [REDACTED] Date dictated 5/1/73

FD-302 (REV. 11-27-70)
FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

JOHN D. EHRLICHMAN, former Assistant to the President, was interviewed in the presence of his attorneys, JOHN WILSON and FRANK H. STRICKLER in their offices at 815 15th Street, N.W., Washington, D. C.

Mr. EHRLICHMAN was advised that he was being contacted at the request of the Department of Justice to determine if he has any knowledge regarding the whereabouts of results of investigation conducted by the White House including reports, memoranda or other data concerning the "Pentagon Papers" case, any defendants in that case or any members of families of defendants.

Mr. EHRLICHMAN furnished the following information:

There must be papers covering investigation of DANIEL ELLSBERG. Mr. EHRLICHMAN recalled a project to prepare a psychiatric profile on ELLSBERG. It has been over a year, however, since Mr. EHRLICHMAN has seen anything on the "Pentagon Papers" investigation.

As regards defendant: ANTHONY RUSSO, Mr. EHRLICHMAN had heard nothing of this individual until after his indictment.

Regarding members of families of defendants, Mr. EHRLICHMAN recalled seeing FBI reports which had information about ELLSBERG's wife.

Mr. EHRLICHMAN noted he had also seen FBI reports containing information about NEIL SHEEHAN of "The New York Times."

Mr. EHRLICHMAN maintained a newspaper clipping file on the "Pentagon Papers" case which he kept in a file

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613
by [REDACTED] d [REDACTED] Date dictated 5/1/73

cabinet. This file has since been sent to the President's files, however, and Mr. EHRLICHMAN assumed the material was now in "Archives".

White House investigation concerning the "Pentagon Papers" matter was handled out of the office of EGIL KROGH and DAVID YOUNG. The results of that investigation must have been maintained there. Mr. EHRLICHMAN did not know the whereabouts of what KROGH, YOUNG, HOWARD HUNT and GORDON LIDDY produced as a result of their investigation.

Mr. EHRLICHMAN reiterated he has not seen any material covering White House investigation of the "Pentagon Papers" case for more than a year.

Mr. EHRLICHMAN noted stories had been published in the newspaper today quoting information he furnished the FBI last Friday and he objected to this disclosure of information.

Mr. WILSON stated he wanted Mr. EHRLICHMAN's objection to disclosure of information made a matter of record.

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

BRUCE KHERLI, Administrative Officer for the White House, advised that in 1971, he worked as Staff Assistant for H. R. HALDEMAN, former Assistant to the President.

Neither at that time nor since that time has he been aware of any investigations conducted out of the White House concerning any leaks of government information. Specifically, he knows of no investigations conducted by G. GORDON LIDDY or E. HOWARD HUNT relating to the Pentagon Papers matter. He has never seen or heard of any reports or communications dealing with the Pentagon Papers investigation made by anyone connected with the White House.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613

by [REDACTED] ELG:jak

Date dictated 5/1/73

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

G. GORDON LIDDY was contacted on May 1, 1973, and advised he did not want to talk to representatives of the FBI.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613

by [REDACTED] Date dictated 5/1/73

FEDERAL BUREAU OF INVESTIGATION

5/1/73

Date of transcription

1

Mr. WILLIAM O. BITTMAN, Attorney, advised that he was speaking for E. HOWARD HUNT and that Mr. HUNT did not desire to be interviewed by representatives of the FBI regarding the DANIEL ELLSBERG case.

Interviewed on 5/1/73 at Washington, D. C. File # 65-11613
by [REDACTED] AJL:jak Date dictated 5/1/73

Intelligence Division

INFORMATIVE NOTE

Date

5/2/73

Attached from Washington Field Office reports results of interviews conducted in "McLek" case, 5/1/73.

H. R. Haldeman, former Assistant to the President, advised he had no knowledge of any investigation conducted by The White House regarding the "Pentagon Papers" nor any information about the existence or whereabouts of results of such investigation.

John D. Ehrlichman, former Assistant to the President, advised he recalled project to prepare a psychiatric profile on Ellsberg. He indicated he has not seen anything on the "Pentagon Papers" investigation in over a year. He had heard nothing of Anthony Russo until after his indictment. He recalled seeing FBI reports which had information about Ellsberg's wife. He had also seen FBI reports containing information about Neil Sheehan of "The New York Times." He maintained a newspaper clipping file on the "Pentagon Papers." This file has since been sent to the President's files and he assumed the material was now in the archives. White House investigation concerning "Pentagon Papers" was handled out of office of Egil Krogh and David Young. He did not know the whereabouts of what Krogh, Young, Howard Hunt or Gordon Liddy had produced by their investigation. Mr. Ehrlichman noted stories had been

CONTINUED - OVER

NOTE CONTINUED

published in the newspaper, 5/1/73, quoting information he had furnished 4/27/73. He objected to this disclosure of information. Mr. Wilson, his attorney, who was present during interview, wanted Mr. Ehrlichman's objection to disclosure of information made a matter of record.

Bruce Kherli, Administrative Officer for The White House, worked as staff assistant for H. R. Haldeman in 1971. He advised that neither at that time nor since has he been aware of any investigation conducted out of The White House concerning any leaks of Government information. He has never seen nor heard of any reports or communications dealing with the "Pentagon Papers" investigation made by anyone connected with The White House.

G. Gordon Liddy, was contacted, 5/1/73. He advised he did not want to talk to the FBI.

E. Howard Hunt has for his attorney William O. Bittman. Bittman, speaking for Hunt, said that Hunt did not desire to be interviewed by FBI regarding Ellsberg case.

If you approve, copies of the attached FD-302s will be furnished Deputy Assistant Attorney General Kevin T. Maroney.

JRW

UAC

Em/ur/ur

FBI

Date: 5/3/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI

FROM: SAC, WFO (65-11613)

MC LEK

Enclosed are the original and two copies of an LHM captioned "UNITED STATES VS. ANTHONY JOSEPH RUSSO, JR.; DANIEL ELLSBERG, ESPIONAGE, THEFT OF GOVERNMENT PROPERTY-CONSPIRACY". *reflecting info supplied by SA*

[REDACTED]

id
init'd 7061129
id

② Bureau (Enc. 3)
2-WFO

AJL:jp
(4)

REC 107

65-74060-4350
17 MAY 21 1973*JRW/15*

79 MAY 24 1973

Approved: _____

Special Agent in Charge

Sent _____ M Per _____



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535
May 3, 1973

Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Glavin ☒
Mr. Ladd ☒
Mr. Nichols ☐
Mr. Rosen ☐
Mr. Sullivan ☐
Mr. Tavel ☐
Mr. Trotter ☐
Mr. Tele. Rm. ☐
Mr. Holmes ☐
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Miller ☐
Mr. Armstrong ☐
Mr. Parsons ☐
Mr. Holloman ☐
Ms. Gandy ☐
Mr. Mintz ☐
Mrs. Neenan ☐

UNITED STATES
VS.
ANTHONY JOSEPH RUSSO, JR.;
DANIEL ELLSBERG,
ESPIONAGE, THEFT OF GOVERNMENT PROPERTY-CONSPIRACY

On an unrecalled date about one month ago, Special Agent (SA) [redacted] was invited to attend a luncheon in the office of then Acting Director L. Patrick Gray, III. Present at the luncheon in addition to Gray were Assistant Director Robert E. Gebhardt, SA [redacted] aide [redacted] and [redacted].

During the course of the conversation both during and after lunch, the discussion centered around access to Federal Bureau of Investigation (FBI) material, outside the Bureau.

SA [redacted] pointed out that there was a recent article in the newspaper dealing with the fact that convicted conspirator E. Howard Hunt, Jr. and George Gordon Liddy had access to classified FBI material. Those at the table were amazed that SA [redacted] believed the story to be true. SA [redacted] then related the following to explain why he felt the article was true:

On June 26, 1972, Counsel to the President, John Wesley Dean, III, turned over to FBI Agents two cartons of material which he said came from the office of E. Howard Hunt, Jr. a suspect in the Watergate case. The material was returned to the Washington Field Office where it was examined. The material contained numerous items which are normally kept in a desk, such as pencils, pens, writing paper, carbon paper, etc.

In addition, a small Colt Automatic, fully loaded was found in a tin box. There were also numerous manila envelopes and folders. One folder marked Ellsberg contained several newspaper clippings about Ellsberg and current investigation pertaining to him and the Pentagon Papers. Upon reviewing

65-74060-4330

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.;

the material FBI Agents realized that what Charles Colson, then White House Aide, told them in June, 1972, about Hunt having been assigned to work on the Pentagon Papers project, was true.

Also found in the envelopes were numerous cablegrams between the United States Embassy in Saigon and the State Department which dealt with the situation in South Vietnam. Most were classified Secret and addressed to and from Secretary of State Rusk and the Ambassador in Saigon. In addition to the above, there were several FBI reports made by Agents on the West Coast; a folder pertaining to Paul Vann, and one envelope containing personal papers of Hunt.

Prior to the completion of the luncheon, SA [REDACTED] offered to contact Mr. Earl J. Silbert, Assistant United States Attorney handling the Watergate prosecution and determine if he would allow SA [REDACTED] to display some of the above described material to Mr. Gray. Mr. Gray said he was interested in seeing it. Thereafter SA [REDACTED] informed Mr. Silbert of Mr. Gray's interest and Mr. Silbert authorized the removal of material from Mr. Silbert's custody and to display it to Mr. Gray, with the understanding that it would not leave the custody of SAs [REDACTED] each of whom worked on the Watergate case.

At about 3:00 p.m. on this date, SAs [REDACTED] and [REDACTED] brought to Mr. Gray's office the material which had been in E. Howard Hunt's office and which had been turned over to the FBI in June, 1972, by White House representatives.

SA [REDACTED] sorted out the material on the conference table for Mr. Gray to examine. All of the above mentioned people at the luncheon, with the exception of Mr. Gebhardt, were present.

The display lasted about fifteen minutes. After Mr. Gray was satisfied with the fact that SA [REDACTED] was correct in previous statement, the material was then returned intact to the cartons and back to the Office of Mr. Silbert by SAs [REDACTED] and [REDACTED].

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.;

The material remained in the custody of SAs [REDACTED]
[REDACTED] and/or [REDACTED] during the entire period it was in Mr.
Gray's office. No notes were made nor was any item copied.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

Intelligence Division

INFORMATIVE NOTE

Date 5/3/73

ELLSBERG CASE

During course of inquiries which Intelligence Division is making relating to alleged burglarizing of the office of Ellsberg's psychoanalyst, it was learned that approximately a month ago some of the material which was in the office of E. Howard Hunt 6/17/72 when the Watergate case broke had been examined by former Acting Director Gray in the presence of Agents of our Washington Field Office.

Last evening SAC McDermott, Washington Field Office, was requested to submit a detailed letterhead memorandum (LHM) setting forth the circumstances with regard to the above. The LHM, which is attached, reports that this examination of material by Mr. Gray arose as a result of a discussion at a luncheon in Mr. Gray's Office at which others were present. SA [REDACTED] commented about a recent newspaper article reporting that Hunt and G. Gordon Liddy had access to classified FBI material. All at the luncheon expressed amazement and SA [REDACTED] offered to get permission of Assistant U.S. Attorney Earl J. Silbert, prosecuting attorney in the Watergate case, to display such material to Mr. Gray. With the permission of Mr. Silbert, this was done in the presence of other guests at the luncheon and the material was returned intact to Mr. Silbert's office.

WRW:mah

7/1
OAT
CONTINUED - OVER

It is our recommendation that no further action be taken with respect to the incident described in the attached LHM.

With regard to the fact that Hunt had among his papers FBI material, we have instituted a separate inquiry in an effort to establish how he acquired such material, the results of which inquiry will be reported.

FHM

W

May 08 1972

MC LEK, SIO

ADMINISTRATIVE

RE LOS ANGELES TELCALL TO BUREAU, MAY SEVEN INSTANT.

DURING BRIEF COURT SESSION MAY SEVEN INSTANT, HELD OUTSIDE PRESENCE OF THE JURY, JUDGE BYRNE HANDED DOWN FOLLOWING RULINGS:

ONE. HELD IN ABEYANCE DEFENSE'S MOTION TO DISMISS ON BASIS OF MISCONDUCT OF THE GOVERNMENT UNTIL HE HAS RECEIVED FURTHER INFORMATION FROM GOVERNMENT.

TWO. DENIED DEFENSE'S MOTION TRIAL BE SUPENDED
UNTIL BYRNE HAS RULED ON MOTION TO DISMISS; ORDERED
TRIAL RECOMMENCE NINE THIRTY AM, MAY EIGHT NEXT.

THREE. ORDERED GOVERNMENT TO PRODUCE SIX HUNDRED AND SEVENTY PAGES OF MATERIAL WHICH WAS NOTED IN FBI INVENTORY OF CONTENTS OF HUNT'S SAFE AS BEING CONTAINED IN A MANILLA ENVELOPE.

END PAGE ONE

79 MAY 23 1973

ROUTE IN ENVELOPE

[illegible]

FOUR. ORDERED GOVERNMENT TO PRODUCE HUNT'S QUOTE PERSONAL PAPERS UNQUOTE, AS NOTED IN ABOVE INVENTORY.

FIVE. ORDERED GOVERNMENT TO PRODUCE COMMUNICATIONS BETWEEN CIA AND JUSTICE DEPARTMENT RELATIVE TO BURGLARY OF DOCTOR FIELDING'S OFFICE.

SIX. ORDERED GOVERNMENT TO PRODUCE FOUR PACKAGES OF DOCUMENTS WHICH WERE ALLEGEDLY TAKEN FROM HUNT'S OFFICE PRIOR TO FBI SEARCH OF HIS SAFE.

SEVEN. ORDERED GOVERNMENT TO PRODUCE ANY STATEMENTS OF DEAN TO THE FBI RELATIVE TO HUNT AND LIDDY'S INVOLVEMENT IN THE BURGLARY.

EIGHT. DEFENSE HAS ALLEGED THAT MAJOR GENERAL ROBERT CUSHMAN, MARINE CORPS COMMANDANT, HAS MADE A STATEMENT TO FBI CONCERNING CIA PARTICIPATION IN BURGLARY. BYRNE HAS ORDERED THIS INTERVIEW, IF IT EXISTS, BE TURNED OVER TO HIM.

NINE. ORDERED THAT AN ELSUR CHECK BE MADE ON BOUDIN'S LAW PARTNER, VICTOR RABINOWITZ, DATING BACK TO DECEMBER ONE, NINETEEN SEVENTY.

TEN. AFFIDAVIT OF EGIL KROGH STATES THAT THE EXISTENCE OF A SPECIAL UNIT IN THE WHITE HOUSE WAS KNOWN AND AGREED TO BY MR. HOOVER AND CONFIRMED BY MR. HOOVER IN A MEMORANDUM. JUDGE BYRNE WANTS THIS MEMORANDUM.

END PAGE TWO

PAGE THREE

ELEVEN. GOVERNMENT IS TO ADVISE OF METHOD BY WHICH BUREAU FILES REGARDING THIS CASE WERE MADE AVAILABLE TO WHITE HOUSE.

Handwritten notes:
10/11/72
LH
5/11/72
C. J. B.

PROSECUTOR NISSEN HAS ADVISED HIS DEPARTMENT OF ALL OF THE FOREGOING.

NEXT GOVERNMENT REBUTTAL WITNESS WAS TO HAVE BEEN CIA OFFICIAL GEORGE CARVER. CARVER HAS ADVISED NISSEN THAT ON ORDERS OF HIS DEPARTMENT HE WILL NOT APPEAR UNLESS DIRECTED.

AMONG THE CONTENTS OF HUNT'S SAFE, WHICH HAS BEEN TURNED OVER TO DEFENSE BY JUDGE BYRNE, WAS A PORTION OF LOS ANGELES REPORT OF SA [REDACTED] DATED JULY TWENTYNINE, NINETEEN SEVENTYONE, WHICH CLEARLY SHOWS THE COOPERATION OF

[REDACTED] WITH FBI IN RELATING TO FBI INFORMATION SHE HAD LEARNED FROM [REDACTED] THIS INCLUDED THE SYNOPSIS OF THE ABOVE REPORT AND FD THREE ZERO TWOS DATED JULY FIFTEEN, NINETEEN (TWO), TWENTYONE (TWO), TWENTYSIX AND TWENTYNINE, NINETEEN SEVENTYONE. THE FD THREE ZERO TWOS ARE PAGES FOUR, SIX, SEVEN, NINE, TEN AND ELEVEN OF ABOVE REPORT.

THE CHRONOLOGY OF EVENTS IN THIS CASE WHICH WAS FOUND IN HUNT'S SAFE AND TURNED OVER TO THE DEFENSE ALSO NOTES THAT THE ORIGINAL SOURCE OF INFORMATION ON WHICH THIS CASE WAS

END PAGE THREE

LA 105-27952

PAGE FOUR

OPENED WAS REPORT OF [REDACTED]

[REDACTED] DENVER OFFICE IN EARLY NINETEEN SEVENTY.

PROSECUTOR NISSEN ADVISED THAT AS OF NOON, MAY SEVEN
INSTANT HE HAD NO FURTHER REBUTTAL WITNESSES AVAILABLE AND IT IS
PRESUMED HE WILL HAVE TO REST HIS CASE AT OPENING OF COURT
SESSION, MAY EIGHT NEXT.

END

GWS WASH DC

ACL CLR

Intelligence Division

INFORMATIVE NOTE 5/8/73

Ellsberg Case

Date _____

Attached relates to interview of Felipe De Diego by Miami Office. De Diego is suspected of being one of the individuals who perpetrated the burglary of Daniel Ellsberg's psychiatrist's office.

De Diego after reading Advice of Rights form, which he would not sign, was advised Agents desired to question him about his activities in 1971 on the West Coast, particularly the allegation that he participated in a break-in of the psychiatrist's office. He replied that anything he did, he did because he thought he was working for the CIA or the U.S. Government. He said he would tell everything he knows about this affair if he is granted immunity. He pointed out he had been granted immunity earlier when testifying before the Federal Grand Jury in the Watergate case and if he is extended the same type of immunity he would tell everything he knows about the Ellsberg affair.

A check with Washington Field Office has revealed that he was not granted immunity in connection with the testimony before the Grand Jury in the Watergate affair.

Copy of attached will be disseminated to Deputy Assistant Attorney General Kevin T. Maroney.

JRW:mas

COP
Encl
WGC

TELETYPE

Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Edwards	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Quinn	_____
Mr. Thompson	_____
Mr. Walters	_____
Mr. White	_____
Mr. Ladd	_____
Mr. Barnes	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Harbo	_____
Mr. Hendon	_____
Mr. Jones	_____
Mr. Lester	_____
Mr. Quinn	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Nease	_____
Miss Holmes	_____
Miss Gandy	_____

NR010 MM CODE

312 PM URGENT 5-8-73 CLS

TO ACTING DIRECTOR 65-74060

ATTN: INTELLIGENCE DIV. CI-3.

WASHINGTON FIELD

FROM MIAMI 65-3264 2P

MCLEK.

RE BUREAU TELETYPE, MAY 7, 1973, AND MM TELCALL MAY 8.

ON MAY 8, 1973, FELIPE DE DIEGO, 1841 S.W. 92ND PLACE, MIAMI, FLORIDA, WAS INTERVIEWED. HE PRODUCED A BUSINESS CARD IDENTIFYING HIMSELF AS PRESIDENT OF REALCO REALTY, INC., 2731 CORAL WAY, MIAMI, FLORIDA.

MR. DE DIEGO SPEAKS FLUENT ENGLISH. AT THE BEGINNING OF THE INTERVIEW, HE WAS OFFERED AN ADVICE OF RIGHTS FORM, WHICH HE READ. HE STATED HE UNDERSTOOD THIS FORM, HOWEVER, HE DID NOT WISH TO SIGN IT.

HE WAS INFORMED THE AGENTS DESIRED TO QUESTION HIM ABOUT HIS ACTIVITIES IN 1971 ON THE WEST COAST WITH BERNARD BARKER AND HIS ASSOCIATES, PARTICULARLY THE

END PAGE ONE

79 MAY 23 1973

ROUTE IN ENVELOPE

519173
cc to AAG, CRD
JAW

2-24/5

MM 65-3264

PAGE TWO

ALLEGATION THAT HE PARTICIPATED IN A BREAK-IN OF THE OFFICE OF THE PSYCHIATRIST OF DANIEL ELLSBERG.

MR. DE DIEGO REPLIED THAT ANYTHING HE DID HE DID BECAUSE HE THOUGHT HE WAS WORKING FOR THE CIA, OR THE U.S. GOVERNMENT.

MR. DE DIEGO SAID HE WOULD TELL EVERYTHING HE KNOWS ABOUT THIS AFFAIR IF HE IS GRANTED IMMUNITY. HE POINTED OUT HE HAD BEEN GRANTED IMMUNITY EARLIER IN TESTIFYING BEFORE THE GRAND JURY IN THE WATERGATE AFFAIR. IF HE IS EXTENDED THE SAME TYPE OF IMMUNITY, HE WOULD TELL EVERYTHING HE KNOWS ABOUT THE ELLSBERG AFFAIR.

MR. DE DIEGO SAID HE WOULD MAKE NO FURTHER COMMENT CONCERNING THIS MATTER AT THIS TIME; HOWEVER, HE WOULD BE GLAD TO RECEIVE A SUBPOENA AND GET THIS THING RESOLVED.

AIRTEL AND FD 302 FOLLOW.

END

RXH FBI HQ LCLR

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 5/8/73

FROM : E. S. Miller *evj/2/2/3*

1 - Mr. E.S. Miller
1 - Mr. W.R. Wannall
1 - Mr. J.R. Wagoner

SUBJECT: CIA INVOLVEMENT IN ELLSBERG CASE

Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Mr. Bowers _____
Mr. Herington _____
Ms. Herwig _____
Mr. Mintz _____
Mrs. Neenan _____

Memorandum 5/8/73 from Mr. Felt to Mr. Gebhardt captioned "CIA Involvement in Watergate and Ellsberg" set forth request from the Acting Director for immediate preparation of comprehensive memorandum dealing with everything known to FBI about CIA involvement in Watergate and Ellsberg. The following is in answer to the Acting Director's request as it pertains to Ellsberg.

Investigation in the Ellsberg case was initiated on 6/15/71 at the specific request of the Attorney General based on the unauthorized disclosure of classified information which appeared in the "New York Times" series regarding U.S.-Vietnam relations 1945-1967. From the date of institution of investigation up to the release of E. Howard Hunt's testimony before the Federal Grand Jury on 5/2/73 no CIA involvement in the Ellsberg case was known to the Intelligence Division. During the intensive investigation which was conducted regarding Ellsberg and Anthony J. Russo, Jr. as well as other associates of Ellsberg, no request for investigative assistance or support were levied upon CIA by the FBI.

65-74060

JRW:wmc *wymc*

(6)

79 MAY 23 1973

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17 MAY 21 1973
CONTINUED - OVER

ROUTE IN ENVELOPE

Memorandum to Mr. Felt
Re: CIA INVOLVEMENT IN ELLSBERG CASE

[REDACTED]

In addition to the above, the Intelligence Division was furnished on 5/4/73 a copy of an affidavit prepared by Egil Krogh, Jr., currently serving as Undersecretary of the Department of Transportation and who formerly assisted Mr. John D. Ehrlichman, who until recently was the Assistant to the President of the U.S. for Domestic Affairs. This affidavit was prepared for submission to the U.S. District Court in Los Angeles, California, relative to the Ellsberg case and specifically the burglary of the office of Ellsberg's psychiatrist. In this affidavit Krogh makes reference to E. Howard Hunt and G. Gordon Liddy and their activities relative to engaging in covert activity to obtain a psychological history or ascertain associates of Ellsberg. The covert activity concerned the acquiring of information from the office of Ellsberg's psychiatrist, Dr. Fielding. In preparation for this acquisition, according to Krogh, Hunt and Liddy made a trip to California and made films of the premises of Dr. Fielding's office. These films were left in a camera belonging to CIA and transmitted to the Department of Justice by CIA. Krogh also stated Hunt and Liddy obtained the services of certain Cubans to accomplish the mission.

In regard to the aforementioned information obtained from the testimony of Hunt and the affidavit of Krogh, a letter was sent to Assistant Attorney General, Criminal Division, requesting that the FBI be advised if investigation was desired in an effort to identify those individuals connected with CIA who lent support to the alleged activities of Liddy and Hunt as well as the extent of the support rendered. In addition, it was requested that the FBI be advised if investigation was desired relative to the identification and subsequent interview of the person or persons in the Department of Justice who apparently received films and a camera belonging to CIA reportedly used in connection with the burglary of Ellsberg's psychiatrist.

Memorandum to Mr. Felt
Re: CIA INVOLVEMENT IN ELLSBERG CASE

By teletype 5/7/73, the Washington Field Office and the Miami FBI office were instructed to interview Barker, Martinez* and DeDiego regarding the burglary of the office of Dr. Fielding.

On 5/8/73 Felipe DeDiego was interviewed by Agents of the Miami Office. After reading the Advice of Rights form which he declined to sign, he was advised of the reason for the interview, that is, to determine his activities during 9/71 in California in connection with his association of G. Gordon Liddy and E. Howard Hunt. He stated that anything he did he did because he thought he was working for CIA. Later he made the same statement but substituted "the U.S. Government" for the words "CIA." He said he would tell everything he knew about the matter if granted immunity. He pointed out he had been granted immunity earlier when he testified before the Grand Jury handling the Watergate case. He said that if extended the same type of immunity he would tell all he knows about the Ellsberg affair. He said he would not make any further comment at the time of interview but would be glad to get a subpoena and get the thing resolved.

A check with Washington Field Office has disclosed that DeDiego was not granted immunity in connection with the Grand Jury hearings in the Watergate case.

ACTION:

For information.

* Daniel Schultz, Attorney for Barker and Martinez, advised against FBI interview at this time.

REC
EM
MHC
FLAN
GAP

ARNOLD & PORT

1229 NINETEENTH STREET, N. W.

WASHINGTON, D. C. 20036

TELEPHONE (202) 872-6700

CABLE: "ARFOPO"
TELEX 88-2733

THURMAN ARNOLD (1891-1968)
PAUL A. PORTER
MILTON V. FREEMAN
NORMAN DIAMOND
WILLIAM L. MCGOVERN
CAROLYN E. AGGER
G. DUANE VIETH
REED MILLER
ABE KRASH
WILLIAM D. ROGERS
B. HOWELL HILL
JULIUS M. GREISMAN
EDGAR H. BRENNER
DENNIS G. LYONS
STUART J. LAND
ROBERT E. HERZSTEIN
JAMES R. MCALICE
MITCHELL ROGOVIN
WALTER J. ROCKLER
CLIFFORD L. ALEXANDER, JR.
WERNER KRONSTEIN
PAUL S. BERGER
JAMES F. FITZPATRICK
MELVIN C. GABROW
BRUCE L. MONTGOMERY
JOHN D. HAWKE, JR.
MURRAY M. BRING
DANIEL A. REZNECK
GERALD M. STERN
MELVIN SPAETH
DAVID R. KENTOFF
DAVID H. LLOYD
RICHARD S. EWING
PETER K. BLEAKLEY
ALEXANDER E. BENNETT
RICHARD J. WERTHEIMER
HARRY HUDE
JACK L. LIPSON

*Haldeman
Erickman
internews*

May 3, 1973

Mr. ~~Baker~~
Mr. Helms
Mr. ~~Walters~~

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. G. Card
Mr. Jenkins
Mr. Marshall
Mr. ~~Miller~~ E.S.
Mr. ~~Schwartz~~
Mr. Thompson
Mr. ~~Walters~~
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. ~~Harbo~~
Mr. Eardley
Mrs. Hogan

JEROME I. CHAPMAN
MYRON P. CURZAN
JAMES A. DORRIN
STEPHEN L. HESTER
MICHAEL N. SOHN
BROOKSLEY LANDAU
JEFFREY D. BAUMAN
PATRICK F. J. MACROR
ANDREW S. KRULWICH
IRVIN B. NATHAN
ROBERT H. WINTER
NANCY MINTZ
NORRIS F. TENNILLE
ROBERT D. ROSENBAUM
BRADWAY BUTLER
FREDERICK B. ABRAM
RICHARD L. HUBBARD
KENNETH A. LETZLER
DOUGLAS A. ROBINSON
STEPHEN M. SACKS
THOMAS J. MCGREW
MARK J. SPOONER
G. PHILIP NOWAK
DAVID BENDERMAN
STEVEN P. LOCKMAN
JEFFREY A. BURT
CARY H. SHERMAN
JUDITH N. STEIN
SIMON LAZARUS III
IRVING B. YOSKOWITZ
RONALD G. NATHAN
GARY G. GERLACH
LANNY J. DAVIS
PAUL S. RYERSON
THOMAS D. NURMI
JOHN M. FEDDERS

MARTIN RIDER
OF COUNSEL

The Honorable Richard G. Kleindienst
Attorney General
Department of Justice
Room 5115
Washington, D. C. 20530

Dear Mr. Kleindienst:

In light of recent disclosures concerning the illegal activities undertaken by White House aides, a member of the National Security Council and others, regarding the so-called Pentagon Papers investigation, my client, Neil Sheehan, has requested me to inquire of the Department of Justice as to whether he, any member of his family, or his counsel were the subject of an investigation conducted by the White House regarding the publication of the so-called Pentagon Papers. Mr. Sheehan would like to know and I believe he's entitled to know whether such an investigation was conducted and whether there is any evidence to indicate that any of his civil rights or those of his family or counsel were violated as a result of such an investigation. Further, we wish to request that if any information becomes available in the future relating to the violation of any of Mr. Sheehan's civil rights as an outgrowth of an investigation conducted by the White House, that we be so advised.

REC 107

Sincerely,

Mitchell Rogovin
Mitchell Rogovin

17 MAY 11 1973

cc Elliot L. Richardson, Attorney General (Designate)
William D. Ruckelshaus, Acting Director, F.B.I.

FIVE
Way

EXP. PROC.

MAY 4 1973

ARNOLD & PORTER

1229 NINETEENTH STREET, N. W.

WASHINGTON, D. C. 20036

The Honorable William D. Ruckelshaus
Acting Director, F.B.I.
Department of Justice
9th & Pennsylvania Avenue, N. W.,
Washington, D. C. 20535

25 DIRECTOR
25 MAY 4 1968

The Attorney General

REC 107
65-7401-2 4334

May 8, 1973

Acting Director, FBI

- 1 - Mr. Eardley
- 1 - Mr. E.S. Miller
- 1 - Mr. W.R. Wannall
- 1 - Mr. J.R. Wagoner

U. S. vs ANTHONY J. RUSSO, JR.
AND DANIEL ELLSBERG

Enclosed is a copy of a letter dated May 3, 1973, addressed to you from Mitchell Rogovin.

There is no information in the files of this Bureau indicating whether or not Mr. Neil Sheehan or any member of his family or Mr. Mitchell Rogovin was the subject of an investigation conducted by The White House. Neither is there any information in our files indicating whether or not the civil rights of any of these individuals were violated as the result of any such investigation.

Should any such information come to our attention, the Attorney General will be advised.

Enclosure

- 1 - Mr. Elliot L. Richardson
Attorney General (Designate)

JRW:wmc *wmc*
(8)

MAILED 2

MAY 09 1973

-FBI

ans
NOTE:

Rogovin, an attorney with Arnold and Porter, 1229 19th Street, N.W., Washington, D. C., sent a letter to Attorney General Kleindienst dated 5/3/73 advising Neil Sheehan is his client. Neil Sheehan is the "New York Times" reporter whose by-line appeared on the "New York Times" articles of the Pentagon Papers which were published 6/13, 14 & 15/71. Rogovin advised in his letter he had been requested to make inquiries of the Department of Justice in line with those matters referred to in instant letter.

CLM
Frank

ENCLOSURE

ROUTE IN ENVELOPE

WMC
EM
WRC
San

9 MAY 23 1973

MAIL ROOM ☐

TELETYPE UNIT ☐

ans

- r. Felt _____
- r. Baker _____
- r. Callahan _____
- r. Cleveland _____
- r. Conrad _____
- r. Gebhardt _____
- r. Jenkins _____
- r. Marshall _____
- r. Miller, E.S. _____
- r. Soyars _____
- r. Thompson _____
- r. Walters _____
- r. Tele. Room _____
- r. Baise _____
- r. Barnes _____
- r. Bowers _____
- r. Herington _____
- r. Conny _____
- r. Mintz _____
- r. Eardley _____
- rs. Hogan _____

DO-6

OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

*we should
check our records
as to these
inquiries.
WHP*

Flan

MR. FELT ☒
MR. BAKER _____
MR. CALLAHAN _____
MR. CLEVELAND _____
MR. CONRAD _____
MR. GEBHARDT *WHP*
MR. JENKINS _____
MR. MARSHALL _____
MR. MILLER, E. S. _____
MR. SOYARS _____
MR. THOMPSON _____
MR. WALTERS _____
TELE. ROOM _____
MR. KINLEY _____
MR. ARMSTRONG _____
MR. BOWERS _____
MR. HERINGTON _____
MS. HERWIG _____
MR. MINTZ _____
MRS. NEENAN _____

11 11 60 4734
ENCLOSURE

F B I

Date: 5/9/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060) ATTN: Intelligence Division

FROM: SAC, LOS ANGELES (105-27952)

SUBJECT: MC LEK
SIO

Re Los Angeles teletype 5/4/73; Bureau telephone call to Los Angeles on 5/9/73.

Enclosed for the Bureau are three copies of an FD-302 reflecting interview of DONALD HENRY SEGRETTI on 5/4/73.

Per instructions contained in referenced Bureau telephone call, one copy of this FD-302 has been furnished directly to Departmental Attorney DAVID NISSEN in Los Angeles on 5/9/73.

2 - Bureau (Encls. 3) (RM)
1 - Los AngelesRFK/JEB
(3)

ROUTE IN ENVELOPE

79 MAY 23 1973

Approved: _____

Sent _____

M

Per _____


Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/8/731

DONALD HENRY ~~SEGRET~~TI, 5950 Buckingham Parkway, Culver City, California was interviewed in the presence of his attorney, JOHN POLLOCK, by Special Agents of the FBI who had identified themselves to SEGRET~~TI~~. At the time of the interview, SEGRET~~TI~~ was awaiting release from custody of the United States Marshal.

SEGRET~~TI~~ advised he has no knowledge of any break in or attempted burglary at the office of Dr. LEWIS FIELDING, DANIEL ELLSBERG's psychiatrist. He said he had read of the incident in the local newspapers, but had no information regarding the incident or its participants.

Interviewed on 5/4/73 at Los Angeles, California File # Los Angeles 105-27952
by  PECOT;
Date dictated 5/7/73

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 08 1973

TELETYPE

Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Boise _____
Mr. Barnes _____
Mr. Fowers _____
Mr. Harrington _____
Mr. Conny _____
Mr. Mow _____
Mr. Eardley _____
Mrs. Hogan _____

NR001 WF CODE

12:08 PM IMMEDIATE 5-9-73 KEP

TO ACTING DIRECTOR, FBI (65-74060) (ATTN: INTD)

LOS ANGELES (105-27952)

FROM WASHINGTON FIELD (65-11613) (P) TWO PAGES

UNITED STATES VERSUS ANTHONY JOSEPH RUSSO, JR.; DANIEL
ELLSBERG ESPIONAGE; THEFT OF GOVERNMENT PROPERTY; CONSPIRACY.

ON 5-9-73, MR. WILLIAM O. BITTMAN, ATTORNEY FOR MR. E.
HOWARD HUNT, WAS TELEPHONICALLY CONTACTED BY WFO TO ASCERTAIN
IF HUNT WOULD AGREE TO AN INTERVIEW BY THE FBI.

MR. BITTMAN INQUIRED AS TO THE NATURE OF THE DESIRED
INTERVIEW AND WAS INFORMED THAT THE INTERVIEW, IF GRANTED,
WOULD CONCERN THE CAMERA WHICH HUNT STATED HE RECEIVED FROM
THE CENTRAL INTELLIGENCE AGENCY WITH PARTICULAR EMPHASIS ON
WHAT HUNT DID WITH THE CAMERA AND ANY PHOTOGRAPHS TAKEN WITH
IT.

MR. BITTMAN ADVISED THAT HUNT HAS TESTIFIED A NUMBER
OF TIMES BEFORE A FEDERAL GRAND JURY CONCERNING HIS
END PAGE ONE

REC 107

65-74060 4336

17 MAY 21 1973

JRW

79 MAY 23 1973

PAGE TWO

ACTIVITIES AND AS HUNT'S COUNSEL, HE DOES NOT FEEL IT WOULD
BE PROPER TO SUBJECT HUNT TO AN FBI INTERVIEW AT THIS TIME.

END

RXH FBI HQ CLR

FROM MIAMI 65-3264 3 PAGES

MCLEK

RE MIAMI TELETYPE, 5-8-73.

FELIPE DE DIEGO RECONTACTED THIS OFFICE, 4:40 PM, 5-9-73,
REGARDING INTERVIEW OF 5-8-73. HE ADVISED THAT ON THIS
DATE HE HAD RECEIVED A SUBPOENA FROM DADE COUNTY, FLORIDA
STATE ATTORNEY RICHARD GERSTEIN, MIAMI, WHICH SUBPOENA
REFERRED TO THE MATTER OF "INVESTIGATION". UPON CONTACTING
GERSTEIN'S OFFICE, HE WAS ADVISED THAT LOS ANGELES AUTHORITIES,
NOT FURTHER IDENTIFIED, HAVE AUTHORIZED GERSTEIN'S OFFICE
TO ARRANGE FOR A DETAILED INTERVIEW OF DE DIEGO IN MIAMI
CONCERNING HIS INVOLVEMENT IN THE 9-3-71 BREAK-IN OF THE
END PAGE ONE

79 MAY 23 1973

ROUTE IN ENVELOPE

Mr. Felt _____
Mr. Foster _____
Mr. Galloway _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Galloway _____
Mr. Foster _____
Mr. Galloway _____
Mr. Galloway _____
Mr. Thompson _____
Mr. Galloway _____
Mr. Galloway _____
Mr. Baird _____
Mr. Barnes _____
Mr. Galloway _____
Mr. Galloway _____
Mr. Conroy _____
Mr. Galloway _____
Mr. Galloway _____
Mr. Galloway _____
Mrs. Hogan _____

PAGE TWO

OFFICE OF DANIEL ELLSBERG'S PSYCHIATRIST IN BEVERLY HILLS, CALIF. ACCORDING TO DE DIEGO, THE LOS ANGELES AUTHORITIES HAVE ADVISED GERSTEIN THAT THEY WILL BE EXTENDING DE DIEGO IMMUNITY IN MAKING THIS STATEMENT AND THAT HE WILL BE ABLE TO GIVE ALL THE DETAILS RIGHT IN MIAMI. THEY HAVE ARRANGED FOR A MEETING AT 10 A. M., ON 5-10-73, AT THE STATE ATTORNEY'S OFFICE, MIAMI, WHICH WILL BE ATTENDED BY DE DIEGO AND HIS ATTORNEY, ALFREDO DURAN, TO FINALIZE ARRANGEMENTS IN THIS CONNECTION. DE DIEGO ADVISED THAT INASMUCH AS THERE HAD BEEN SO MUCH PUBLICITY IN THIS CASE AND HE HAD INFORMED AGENTS ON THE PREVIOUS DAY THAT HE WOULD BE WILLING TO TELL EVERYTHING HE KNEW ABOUT THE ELLSBERG AFFAIR IF GRANTED IMMUNITY, HE WANTED TO ADVISE THIS OFFICE OF CURRENT DEVELOPMENTS.

IT IS POINTED OUT THAT STATE ATTORNEY RICHARD GERSTEIN, WHO IS REGARDED AS AN AGGRESSIVE POLITICIAN, WAS FORMERLY ACTIVELY INVOLVED INDEPENDENT INVESTIGATION IN THE WATERGATE AFFAIR, WHOSE INVESTIGATION WAS ACCOMPANIED BY CONSIDERABLE PUBLICITY IN THE NEWS MEDIA.

END PAGE TWO

PAGE THREE

DE DIEGO UNSURE WHETHER THIS TESTIMONY AND IMMUNITY
IS IN CONNECTION WITH THE FEDERAL CASE AT LOS ANGELES
OR LOCAL LOS ANGELES COUNTY INVESTIGATION.

LOS ANGELES REQUESTED TO DETERMINE THROUGH THE FEDERAL
PROSECUTING ATTORNEY IN THE ELLSBERG CASE, AS WELL AS
THE LOCAL LOS ANGELES AUTHORITIES, WHETHER ANY ARRANGEMENTS
HAVE BEEN MADE TO OFFER IMMUNITY TO DE DIEGO FOR HIS
TESTIMONY AND IN CONNECTION WITH WHICH CASE. THEREAFTER,
IMMEDIATELY ADVISE BUREAU.

END

VAE FBIHQ CLR

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Mr. Bell	✓
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Mr. Holmes	
Mr. Gandy	
Mr. Thompson	
Mr. Walters	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Jones	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Mr. Holmes	
Mr. Gandy	

NR019 MM PLAIN

702 PM URGENT 5-9-73 AXN

TELETYPE

TO ACTING DIRECTOR 65-74060

ATTENTION: INTD. CI-3

WASHINGTON FIELD 65-11613

LOS ANGELES 105-27952

FROM MIAMI 65-3264 3 PAGES

MCLEK

RE MIAMI TELETYPE, 5-8-73.

FELIPE DE DIEGO RECONTACTED THIS OFFICE, 4:40 PM, 5-9-73,
REGARDING INTERVIEW OF 5-8-73. HE ADVISED THAT ON THIS
DATE HE HAD RECEIVED A SUBPOENA FROM DADE COUNTY, FLORIDA
STATE ATTORNEY RICHARD GERSTEIN, MIAMI, WHICH SUBPOENA
REFERRRED TO THE MATTER OF "INVESTIGATION". UPON CONTACTING
GERSTEIN'S OFFICE, HE WAS ADVISED THAT LOS ANGELES AUTHORITIES,
NOT FURTHER IDENTIFIED, HAVE AUTHORIZED GERSTEIN'S OFFICE
TO ARRANGE FOR A DETAILED INTERVIEW OF DE DIEGO IN MIAMI
CONCERNING HIS INVOLVEMENT IN THE 9-3-71 BREAK-IN OF THE
END PAGE ONE

REC 107

5/10/73
see to AAG cRA
JAW

79 MAY 23 1973

ROUTE IN ENVELOPE

PAGE TWO

OFFICE OF DANIEL ELLSBERG'S PSYCHIATRIST IN BEVERLY HILLS, CALIF. ACCORDING TO DE DIEGO, THE LOS ANGELES AUTHORITIES HAVE ADVISED GERSTEIN THAT THEY WILL ^{BE} ~~BE~~ EXTENDING DE DIEGO IMMUNITY IN MAKING THIS STATEMENT AND THAT HE WILL BE ABLE TO GIVE ALL THE DETAILS RIGHT IN MIAMI. THEY HAVE ARRANGED FOR A MEETING AT 10 A. M., ON 5-10-73, AT THE STATE ATTORNEY'S OFFICE, MIAMI, WHICH WILL BE ATTENDED BY DE DIEGO AND HIS ATTORNEY, ALFREDO DURAN, TO FINALIZE ARRANGEMENTS IN THIS CONNECTION. DE DIEGO ADVISED THAT INASMUCH AS THERE HAD BEEN SO MUCH PUBLICITY IN THIS CASE AND HE HAD INFORMED AGENTS ON THE PREVIOUS DAY THAT HE WOULD BE WILLING TO TELL EVERYTHING HE KNEW ABOUT THE ELLSBERG AFFAIR IF GRANTED IMMUNITY, HE WANTED TO ADVISE THIS OFFICE OF CURRENT DEVELOPMENTS.

IT IS POINTED OUT THAT STATE ATTORNEY RICHARD GERSTEIN, WHO IS REGARDED AS AN AGGRESSIVE POLITICIAN, WAS FORMERLY ACTIVELY INVOLVED^{IN} INDEPENDENT INVESTIGATION IN THE WATERGATE AFFAIR, WHOSE INVESTIGATION WAS ACCOMPANIED BY CONSIDERABLE PUBLICITY IN THE NEWS MEDIA.

END PAGE TWO

PAGE THREE

DE DIEGO UNSURE WHETHER THIS TESTIMONY AND IMMUNITY IS IN CONNECTION WITH THE FEDERAL CASE AT LOS ANGELES OR LOCAL LOS ANGELES COUNTY INVESTIGATION.

LOS ANGELES REQUESTED TO DETERMINE THROUGH THE FEDERAL PROSECUTING ATTORNEY IN THE ELLSBERG CASE, AS WELL AS THE LOCAL LOS ANGELES AUTHORITIES, WHETHER ANY ARRANGEMENTS HAVE BEEN MADE TO OFFER IMMUNITY TO DE DIEGO FOR HIS TESTIMONY AND IN CONNECTION WITH WHICH CASE. THEREAFTER, IMMEDIATELY ADVISE BUREAU.

END

;-3

VAE FBIHQ CLR

Intelligence Division

INFORMATIVE NOTE

Date 5/9/73

ELLSBERG CASE

Attached relates to contact of William O. Bittman, Attorney for E. Howard Hunt. Bittman said Hunt has testified a number of times before the Watergate Grand Jury and as his counsel did not feel it proper to make Hunt available for FBI interview.

As a matter of background re purpose of attempt to interview Hunt, an affidavit executed 5/4/73 by Egil Krogh, Jr. set forth information that it was Krogh's understanding and belief that certain films were left in a camera belonging to the Central Intelligence Agency, which films and camera were submitted to the Department of Justice by the Central Intelligence Agency. On 5/8/73 the Department requested that we endeavor to interview Hunt to resolve the question of what happened to the camera and film.

sent JRM
Copies of attached have been furnished to Deputy Assistant Attorney General Kevin T. Maroney.

JRW:wmc

JRW *7mm* *WJR*
WJC *EM* *and*

Intelligence Division

INFORMATIVE NOTE

5/9/73

Date _____

You have previously been advised concerning Felipe De Deigo, one of the participants in the break-in of the office of Dr. Fielding, Daniel Ellsberg's psychiatrist, on 9/3/71 in Beverly Hills, California. Attached teletype from Miami reports that on 5/9/73 De Deigo advised of receipt of subpoena from Dade County, Florida, State Attorney Gerstein. Gerstein's office subsequently advised De Deigo that Los Angeles authorities, not further identified, had authorized Gerstein to arrange for interview of De Deigo.

De Deigo stated Los Angeles authorities had advised Gerstein that they will be extending De Deigo's immunity and he can give all details in Miami, Florida. Meeting of De Deigo and his attorney at State Attorney's office arranged for 5/10/73.

De Deigo is unsure whether this testimony and immunity are in connection with Federal case in Los Angeles or local Los Angeles County investigation. Los Angeles FBI has been requested to determine specifics regarding any offer of immunity to De Deigo.

De Deigo had previously advised on 5/8/73 he would tell everything if granted immunity and wished to advise Bureau of current developments.

CONTINUED - OVER

NOTE - CONTINUED

De Deigo expects to receive immunity for his cooperation in testifying. It is noted that on 5/8/73 De Deigo advised Special Agents that he had been granted immunity in the Watergate investigation; however, according to WFO, this is not the case.

Copies of attached have been furnished to Assistant Attorney General, Criminal Division, Kevin T. Maroney.

EM/urad

WGL

Fmw

urad

JHK:mcl

Intelligence Division

INFORMATIVE NOTE

Date

5/9/73

ELLSBERG CASEOral Report of Interview of Attorney of
E. Howard Hunt

On 5/8/73, the Department requested that we endeavor to interview Hunt to resolve the question of what happened to a camera with film in it which was used by Hunt and Liddy in making a feasibility survey in connection with the burglary of the office of Ellsberg's psychiatrist. In an affidavit executed on 5/4/73, Egil Krogh, Jr., said it was his understanding and belief certain films were left in a camera belonging to the Central Intelligence Agency (CIA) and transmitted to the Justice Department by CIA.

At 9:40 a.m., 5/9/73, Supervisor C.J. Jones, Washington Field Office (WFO), advised that Hunt's attorney, Mr. William Bittman, had been contacted by telephone to determine if Hunt would be made available for interview regarding this matter. Bittman said Hunt has testified a number of times before the Watergate grand jury and as his counsel Bittman does not feel it is proper to make Hunt available for FBI interview. Therefore, he declined to do so.

Recommended this information be furnished to the Acting Director.

WRW:mah

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Galtieri	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input type="checkbox"/>
Mr. Miller	<input checked="" type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Tamm	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Bowers	<input type="checkbox"/>
Mr. Herington	<input type="checkbox"/>
Mr. Conroy	<input type="checkbox"/>
Mr. Logan	<input type="checkbox"/>

DEC 107

79 MAY 23 1973

MAY 08 1973

TELETYPE

NR005 WF CODED

355 PM IMMEDIATE 5-8-73 WWC

TO ACTING DIRECTOR (65-74060)

ATTN: INTD

LOS ANGELES

FROM WASHINGTON FIELD

65-11613

ONE PAGE

MC LEK.

RE BUTEL DATED 5/7/73.

ON MAY 8, 1973, AN EFFORT WAS MADE TO INTERVIEW
EUGENIO ROLANDO MARTINEZ AND BERNARD L. BARKER AT THE
DISTRICT OF COLUMBIA JAIL.

THEIR ATTORNEY, DANIEL SCHULTZ, 1990 M STREET, N.W.
WASHINGTON, D.C., APPEARED AT THIS JAIL AT APPROXIMATELY
THE SAME TIME AS THE REPRESENTATIVES OF THE FBI. THIS
APPEARANCE WAS A COINCIDENCE FOR THE ATTORNEY HAD NO
KNOWLEDGE THE FBI AGENTS WERE AT THE JAIL TO INTERVIEW HIS
CLIENTS.

REC 107.

PRIOR TO THE TIME ARRANGEMENTS COULD BE PERFECTED
THROUGH JAIL PROCEDURE TO SEE BARKER AND MARTINEZ, THEIR
ATTORNEY APPROACHED THE AGENTS. HE ANNOUNCED THAT IT WAS HIS
ADVICE TO HIS CLIENTS THAT AT THIS TIME THEY SHOULD NOT BE INTERVIEWED.
BASED ON THIS DECISION BY THEIR ATTORNEY, MARTINEZ AND
BARKER WERE NOT MADE AVAILABLE FOR INTERVIEW BY THE AGENTS.

END 79 MAY 23 1973 ROUTE IN ENVELOPE

VAE FBIHQ CLR

Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. George	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. S. Jones	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Egan	_____
Mr. Gandy	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Rm.	_____
Mr. Holmes	_____
Miss Gandy	_____

W. J. Jones

1/2

65-2406-4340

J. Paul

Intelligence Division

INFORMATIVE NOTE

Ellsberg Case

Date 5/9/73

Attached concerns attempt to interview, at the request of the Department, two of the individuals involved in burglary of Daniel Ellsberg's psychiatrist's office. Before interviews could be conducted, attorney for these individuals advised FBI Agents it was his advice to his clients that at this time they should not be interviewed.

John
Copy of attached will be disseminated to Deputy Assistant Attorney General Kevin T. Maroney.

HEM:owc

EM
HEM

WGL *EM/TJS*

Leah

Flaw

- Mr. S. J. [unclear]
- Mr. T. B. Bishop
- Mr. D. J. Callahan
- 1 - Mr. C. D. [unclear]
- 1 - Mr. J. R. Wagoner
- 1 - Mr. [unclear]

The Attorney General

Director, FBI

X

**UNAUTHORIZED DISCLOSURE OF
CLASSIFIED INFORMATION;
"NEW YORK TIMES" SERIES REGARDING
UNITED STATES - VIETNAM RELATIONS,
1945 - 1967**

This will confirm telephone calls on June 14 and 15, 1971, from Assistant Attorney General Robert C. Mardian to Mr. William C. Sullivan of this Bureau, wherein Mr. Mardian conveyed your requests that we interview four individuals who might have knowledge concerning captioned matter and that we conduct all necessary investigation in this matter.

On June 15, 1971, we interviewed three of the four individuals. The fourth, [redacted] was en route all day by car from his residence [redacted] to a camping area in the vicinity of [redacted] as soon as he can be located in that area, [redacted] will be interviewed and you will be apprised of the results.

[redacted] of the "Indianapolis Star" newspaper, Indianapolis, Indiana, reportedly had received from the "New York Times" some of the classified material involved in this matter. On June 15, 1971, he stated he had no such material. The only information received by his paper consists of teletype releases issued to regular subscribers by the New York Times News Service. [redacted] was candid, cooperative and volunteered to contact this Bureau should he receive any material of value in the future.

Mr. Leslie M. [redacted] a Senior Fellow at [redacted] Washington, D. C., directed a task force which prepared the "Top Secret" documents involved in captioned unauthorized disclosure, which documents

WRW:JRW:bjp
(12)

~~TOP SECRET~~

[redacted]

DECLASSIFIED BY 6080
ON 5-21-77
LEO/la

MAILED 3
JUN 16 1971

Tolson
Sullivan
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Tavel
Trotter
Tele. Room
Holmes
Gandy

59 JUN 18 1971 TELETYPE UNIT

UNRECORDED COPY ATTACHED

~~CONFIDENTIAL~~

The Attorney General


are commonly referred to as the "Hushamara Study." At the time, Mr. Gelb was Assistant Secretary of Defense. On June 15, 1971, he furnished detailed information identifying individuals who had been connected with this task force or who were otherwise concerned with the preparation of the material. He acknowledged that lax security surrounding staff members would have made it possible for the material to have been reproduced before its final completion and official distribution; however, in this case, it was the case. He identified one Daniel Ellsberg as the most likely person through whom the "New York Times" may have come into possession of the material involved in this matter. He explained that he did this on the grounds that Ellsberg, who was a member of the task force, had later become very radical regarding the Vietnam situation and had indicated the importance of making the "Hushamara Study" public. Ellsberg also, according to Mr. Gelb, had presented a paper at a political science convention, wherein he used classified information in paraphrased form taken from task force documents. Mr. Gelb expressed distress over the unauthorized disclosure in instant matter and offered every assistance possible.



~~CONFIDENTIAL~~

Former State Department Public Affairs Officer, who was interviewed on June 15, 1971, advised that a relative of his wife, Mr. [redacted], a practicing psychologist of New York City, told him in early May, 1971, that Daniel Ellsberg had contacted the Grove Press, New York City; the "New York Times"; and other publication outlets in an effort to negotiate the publication of a 4,000- or 5,000-page document on United States involvement in Vietnam. [redacted] claimed he had learned of this from an unnamed individual connected with Grove Press. [redacted] reluctantly disclosed [redacted] identity as the source of this information and specifically requested that the fact that he had done this not be disclosed.

Our files contain information to the effect that in January, 1970, we received information on a confidential basis from [redacted]

~~CONFIDENTIAL~~


The Attorney General

 that Ellsberg had, a short time before, copied "Top Secret" documents belonging to the Rand Corporation, Santa Monica, California, by which he was then employed, claiming that he planned to give the copies of the documents to Senator J. William Fulbright of Arkansas and the then Senator Charles J. Goodell of New York. Efforts were made to interview  to talk with us regarding this matter. No information was developed to substantiate the allegation although two officials of the Rand Corporation offered opinions that documents in the possession of that Corporation in which Ellsberg would be most interested related to the "McNamara Study." The results of our inquiries with regard to this allegation have been made available in the past to the Internal Security Division of the Department under the caption "Daniel Ellsberg, Espionage - X."

We are proceeding with the investigation which you have requested in this matter on an expeditious basis and will keep you apprised of pertinent developments. Complete investigative results will be furnished as received to the Internal Security Division.


1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

NOTE:

See cover memorandum W. R. Wannall to C. D. Brennan, dated 6/16/71, captioned as above, prepared by WRW:JRW:bjp.

Classified "Top Secret" since this matter relates to a highly sensitive investigation involving the leak of documents of the Department of Defense bearing this classification.



Memorandum

MR. TOLSON

DATE: 6/15/71

FROM : W. C. Sullivan

cc Mr. Sullivan
Mr. Brennan
Mr. Rosen
Mr. BishopSUBJECT: PUBLICATION BY THE
NEW YORK TIMES -
U.S. -- VIETNAM RELATIONS
1945-1967

Sullivan	
Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Dalbey	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Mr. Weaver	
Tele. Room	
Mr. Holmes	
Miss Gandy	

Reference is made to my memorandum to Mr. Tolson earlier today, relative to the above matter.

Assistant AG Mardian of the Internal Security Division has just called to say that the Attorney General wants us to conduct all necessary investigation in this matter. He stated a criminal grand jury is going to be called in New York on Thursday, 6/17/71, to look into all facets of this matter.

Mr. Mardian stated the AG wants us to interview immediately a [REDACTED] who reportedly knows the individual who leaked the information to the New York Times. This individual is said to be one Dan Elsborg, a former special assistant to [REDACTED] at the Pentagon. He later went with the Rand Corporation.

Mardian advised the AG also requested that we interview a [REDACTED] of the Indianapolis Star. The purpose of this is to verify whether or not he does have some of the documents which were taken and given to him by the New York Times. This is the allegation that has been made by [REDACTED] who is known to the Bureau.

RECOMMENDATION -

- (1) For the information of the Director.
- (2) That the Director advise of his wishes.

WCS:CSH (5)

EX-113
REC 43

1 JUN 17 1971

55 JUN 22 1971

MADE FOR MR. TOLSON

65-740

Memorandum to Mr. Tolson
Re: Publication By The
New York Times
U.S. - Vietnam Relations
1945-1967

realized that he has a comprehensive knowledge within this context.

Mr. Mardian said that the Department of Defense will have its own security personnel look into other developments and aspects of this case. He said Mr. J. Fred Buzhardt will be handling the matter for the Department of Defense.

I told Mr. Mardian that the Director will have to make the decision in this matter and that the Attorney General's request will be promptly relayed to the Director in the morning. He said this will be very satisfactory.

RECOMMENDATION:

That the Director advise as to what he wants done in this matter.

OK
A

WEL

V. per
WIS

Memorandum

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Mr. Holmes _____
Miss Gandy _____

TO : Mr. C. A. Tolson

DATE: 6/15/71

FROM : W. C. Sullivan *WCS*

- 1 - Mr. C. A. Tolson
- 1 - Mr. T. E. Bishop
- 1 - Mr. C. D. Brennan
- 1 - Mr. A. Rosen
- 1 - Mr. W. C. Sullivan

SUBJECT: PUBLICATION BY THE
NEW YORK TIMES
U.S. - VIETNAM RELATIONS
1945-1967.

Late last night Mr. Robert C. Mardian, Assistant Attorney General, Internal Security Division, called me. He said the Attorney General wanted the FBI to immediately this morning interview two people to determine what they know about how the New York Times secured the material relative to the above captioned subject matter. By way of background on Sunday, June 13, 1971, the New York Times began printing a series of articles purporting to present a history of decision-making process by the United States on Vietnam policy for the period 1945-1967. The document from which this material was secured is classified "Top Secret" and is regarded as being extremely sensitive.

The two people that the Attorney General wants to have the FBI interview immediately this morning are Mr. Leslie Gelb and [redacted] Mr. Leslie Gelb at the time the document was prepared was Deputy Assistant Secretary of Defense and later went over to the Department of State. [redacted] at the time the document was prepared was [redacted] to the Secretary of Defense. He is currently assigned in Vietnam but today he is on annual leave in Washington, D. C. [redacted] was involved in the distribution of the material at the time and the interview with him should cover this aspect as well as other relevant aspects. Mr. Leslie Gelb directed the study at the time and on interviewing him it should be

WCS:cb *cb*
(6)

REC 43

CONTINUED - OVER
JUN 17 1971

JUN 28 1971

65-74060
4341
65-74060

5/10/73

Mr. Walters:

Pursuant to your request regarding when the Bureau undertook investigation in the Ellsberg case, I am attaching copies of 3 items which may be of interest to you. Two of these are copies of memoranda dated 6/15/71 from Mr. Sullivan to Mr. Tolson and the third is a confirming letter dated 6/16/71 to the Attorney General with copies for the Deputy Attorney General and Assistant Attorney General, Internal Security Division, who was at that time Mr. Mardian.

E. S. Miller

Encs.

7 LMM

Walt

Stark

11

4311

79 MAY 23 1973

17 MAY 21 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 10 1973

TELETYPE

XXNR 025 LA CODE

5:03 PM IMMEDIATE 5-10-73 SMA

TO ACTING DIRECTOR (65-74060)

ATTN: INTD

WASHINGTON FIELD

FROM LOS ANGELES 105-27952) 2 P

MC LEX, SIO

7/11/73
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Mr. Tele. Room _____
Mr. Holmes _____
Mr. Gandy _____
Mr. Egan _____
Mr. Barry _____
Mr. Parsons _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Mr. Tele. Room _____
Mr. Holmes _____
Mr. Gandy _____
Mr. Egan _____
Mr. Barry _____
Mr. Parsons _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____

WHEN PROSECUTOR NISSEN SUBMITTED BUREAU'S RESPONSE TO
SERIES OF QUESTIONS ASKED BY JUDGE BYRNE REGARDING MR.
RUCKELSHAUS' MEMORANDUM OF MAY NINE LAST, JUDGE BYRNE DECLARED
THAT THE ANSWERS WERE AMBIGUOUS AND HE COULD NOT TELL IF THE
ANSWERS WERE BASED ON ORAL TESTIMONY, RECORDS, OR A COMBINATION
OF BOTH. HE INSISTED THAT THE GOVERNMENT CLARIFY ITS POSITION
STATING THAT THIS ISSUE TAKES PRECEDENCE OVER OTHER MOTIONS TO
DISMISS OR JUDGMENT OF ACQUITTAL. HE STATED IF THE PRESENT
STATE OF THE RECORDS ARE SUCH THAT THE GOVERNMENT CANNOT SHOW
RESULTS OF ELECTRONIC SURVEILLANCES RELATING TO THIS TRIAL.
THEN HIS LEGAL POSITION TO DISMISS IS THE SAME AS IF THE
GOVERNMENT WOULD NOT PRODUCE THESE RECORDS. HE WANTS TO KNOW
IF ONLY THE RECORDS RELATING TO THE SURVEILLANCE OF HALPERIN
ARE MISSING OR ARE OTHER RECORDS ON OTHER INDIVIDUALS ALSO
MISSING. JUDGE BYRNE WANTS TO KNOW IF THE GOVERNMENT HAS

END PAGE ONE

ROUTE IN ENVELOPE

79 MAY 23 1973

REC 107 65-74060 43-12
21
17 MAY 14 1973
FBI

LA 105-27952

PAGE TWO

ABILITY TO PRODUCE ANY INDIVIDUAL WHO CAN FILE AN AFFIDAVIT BASED ON THE PRESENT STATE OF THE RECORDS THAT CAN ATTEST THAT THERE HAS NOT BEEN SURVEILLANCES ON ANY OF THE OTHER DEFENDANTS, ATTORNEYS OR CONSULTANTS IN THIS CASE. JUDGE BYRNE WANTS TO KNOW THAT IF THERE ARE NO RECORDS ON THE SURVEILLANCE OF HALPERIN EXISTING ARE THERE ANY OTHER RECORDS THAT SHOW THAT THERE WERE ONCE SUCH RECORDS.

PROSECUTOR NISSEN'S POSITION IS THAT EVEN IF THE OVERHEAR OF ELLSBERG AT HALPERIN'S RESIDENCE CONCERNS THE MOST SERIOUS ASPECTS OF THIS CASE THAT THIS INFORMATION WAS NOT MADE KNOWN TO THE PROSECUTION AND WAS NOT USED IN THIS CASE. DEFENSE ATTORNEY BOUDIN BROUGHT UP QUOTE TIME MAGAZINE UNQUOTE ARTICLE THAT STATES THAT ACTING ASSOCIATE DIRECTOR MARK FELT APPROACHED FORMER ASSISTANT ATTORNEY GENERAL MARDIAN AND ASKED HIM WHAT MARDIAN KNEW ABOUT THE MISSING WIRE TAP RECORDS. MARDIAN'S REPLY ALLEGEDLY WAS QUOTE GO ASK MITCHELL OR NIXON UNQUOTE. BOUDIN THEN SUGGESTED TO THE COURT THAT AN IMMEDIATE INVESTIGATION BE CONDUCTED INTO THAT ASPECT.

COURT HAS BEEN ADJOURNED UNTIL TEN AM, MAY ELEVEN NEXT, AT WHICH TIME THE ARGUMENTS ON THE MOTION TO DISMISS BASED UPON THE GOVERNMENT'S INABILITY TO PRODUCE THE RECORDS WILL BE CONTINUED.

END

HOLD

Intelligence Division

INFORMATIVE NOTE

Date

5/10/73

Attached from Los Angeles sets out response of Judge Byrne to Mr. Ruckelshaus's memorandum dated 5/9/73.

Judge Byrne said answers were ambiguous. He insisted Government clarify its position. This issue takes precedence over motions to dismiss or judgment of acquittal. If Government cannot show results of electronic surveillances relating to this trial, his legal position to dismiss is same as if Government would not produce these records. He desires to know if only the records relating to the surveillances of Halperin are missing or are other records on other individuals also missing. Is Government able to produce any individual who can file an affidavit based on present state of records that can attest that there has not been surveillances on any of the other defendants, attorneys or consultants in this case? If there are no records on the surveillances of Halperin existing, are there any other records that show that there were once such records?

Teletype also sets out position of prosecutor Nissen. Even if the overhear of Ellsberg at Halperin's residence concerns the most serious aspects of this case, this information was not made known to the prosecution and was not used in the case.

CONTINUED - OVER

NOTE - CONTINUED

Defense Attorney Boudin brought up "Time Magazine" article which stated Mr. Felt questioned former Assistant Attorney General Mardian concerning missing wire tap records. Allegedly, Mardian's reply was, "Go ask Mitchell or Nixon." Boudin suggested that an immediate investigation be conducted into that aspect.

Court adjourned until 10:00 a.m., 5/11/73, when arguments on the motion to dismiss based on Government's inability to produce records will be continued.

Copy of attached furnished to Mr. Kevin Maroney, Deputy Assistant Attorney General, Criminal Division of the Department. *Done*

We are meeting with Departmental Attorneys this morning on this matter.

JHK:mcl

EM/JHK/HEM

Wdk

Em/urkel

WHL

Fenn

DO-6 OFFICE OF ACTING DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

From ✓
MR. FELT ✓
MR. BAKER _____
MR. CALLAHAN _____
MR. CLEVELAND _____
MR. CONRAD _____
MR. GEBHARDT _____
MR. JENKINS _____
MR. MARSHALL _____
MR. MÖLLER, E. S. ✓
MR. SOYARS _____
MR. THOMPSON _____
MR. WALTERS _____
TELE. ROOM _____
MR. KINLEY _____
MR. ARMSTRONG _____
MR. BOWERS _____
MR. HERINGTON _____
MS. HERWIG _____
MR. MINTZ _____
MR. NEENAN _____

It does not
appear that we have
very deeply into
the allegations
(35, 36 + 37) of the
Knogh affidavit relating
to payment of funds to Knogh
by Colson. Where did this
money come from? Is Colson
in habit of turning over \$200.00
over

Colson
interview

ENCLOSURE

4343

Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gerhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. ~~Waller~~ E.S. ✓
Mr. _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Faise _____
Mr. Farnes _____
Mr. _____
Mr. _____
Mr. Conmy _____
Mr. _____
Mr. Dandley _____
Mrs. Hogan _____

TELETYPE

FROM WASHINGTON FIELD 65-11613 SIX PAGES

W. J. Jones

tal WWFO; 1-LA; 5/10/73; LEB:116

REC 107 210-4343

ROUTE IN ENVELOPE

5/11/11

PAGE TWO

OF THE PAPERS. HE WAS ENGAGED AT THAT TIME ON AN ALMOST FULL TIME BASIS WITH THE PREPARATION OF THE PRESIDENT'S AUGUST 15 ECONOMIC DECISION ESTABLISHING PHASE I OF THE PRICE FREEZE.

WHEN THE PENTAGON PAPERS WERE FIRST PUBLISHED IN "THE NEW YORK TIMES" THERE WAS A NEED IN THE WHITE HOUSE FOR SOMEONE TO DO RESEARCH AND COORDINATE ASSIGNMENTS INVOLVING INVESTIGATION INTO THE LEAK. COLSON RECALLED HE RECOMMENDED HOWARD HUNT, WHO HE HAD KNOWN A PERIOD OF YEARS AND SEVERAL OTHER INDIVIDUALS FOR THIS ASSIGNMENT. HUNT WAS SUBSEQUENTLY INTERVIEWED BY JOHN D. EHRLICHMAN, FORMER ASSISTANT TO THE PRESIDENT. LATER MR. COLSON RECEIVED A TELEPHONE CALL FROM EHRLICHMAN, WHO WAS THEN IN CALIFORNIA WITH THE PRESIDENT, ASKING WHETHER HUNT COULD BE BROUGHT IN AND DIRECTING THAT HE SHOULD BE PUT TO WORK ON THE INVESTIGATION.

MR. COLSON ASKED THE STAFF SECRETARY TO PROCESS THE NECESSARY PAPERS REGARDING EMPLOYMENT. HUNT WAS ASSIGNED TO COLSON'S STAFF FOR INTERNAL BUDGET PURPOSES ONLY.

END PAGE TWO

PAGE THREE

COLSON KNEW THAT THE "PLUMBERS" (PUBLICLY IDENTIFIED AS EGIL KROGH, DAVID YOUNG, HUNT AND GORDON LIDDY) WERE CONDUCTING A CHECK FOR A PERSONALITY PROFILE OF DANIEL ELLSBERG^E TO DETERMINE WHAT MOTIVATED HIM, WHAT KIND OF "WILD THINGS" HE MIGHT DO. THERE WAS AN ENORMOUS CONCERN AT THE TIME OVER LEAKS OF SENSITIVE INFORMATION.

- COLSON HAD NO DISCUSSION OR ADVANCED KNOWLEDGE OF THE ALLEGED BURGLARY. HE KNEW THE PLUMBERS WERE GOING TO THE WEST COAST. HE DID NOT KNOW WHICH OF THEM ACTUALLY MADE THE TRIP. COLSON FIRST HEARD ABOUT THE ALLEGED BURGLARY SOMETIME LATER AT A MEETING AND HE COULD NOT RECALL THE TIME OF THE MEETING OR WHO WAS PRESENT. HE THOUGHT THE MEETING MAY HAVE BEEN A PRIVATE ONE WITH EHRLICHMAN. HE BELIEVES EHRLICHMAN TOLD HIM, HE DOES NOT RECALL SPECIFICALLY, BUT HE GAINED THE IMPRESSION FROM THE CONVERSATION THAT "THEY" TRIED TO GET THE RECORDS OF ELLSBERG'S PSYCHIATRIST AND DID NOT GET THEM. EHRLICHMAN TOLD HIM THIS WAS A NATIONAL SECURITY MATTER AND NOT TO BE DISCUSSED WITH ANYONE. HE NEVER HEARD ANY DISCUSSION OF A BURGLARY ATTEMPT ON THE HOME OF ELLSBERG'S PSYCHIATRIST.

COSLON WAS ASKED IF HE HAD ANY OTHER DISCUSSIONS WITH WHITE HOUSE STAFF MEMBERS ABOUT THE BURGLARY. HE RECALLED THAT IN CONNECTION WITH THE WATERGATE INVESTIGATION, PRIOR

END PAGE THREE

PAGE FOUR

TO THE TIME HE WAS QUESTIONED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND GAVE A DEPOSITION TO MR. SILBERT OF THE UNITED STATES ATTORNEY'S OFFICE, HE ASKED JOHN DEAN, COUNSEL TO THE PRESIDENT, WHAT TO DO IF THE "PENTAGON PAPERS QUESTION CAME UP". DEAN TOLD HIM THAT IF ASKED, HE WAS NOT FREE TO DISCUSS THE MATTER INASMUCH AS IT WAS A NATIONAL SECURITY MATTER OF THE HIGHEST CLASSIFICATION AND THAT HE (DEAN) WOULD INTERRUPT SUCH QUESTIONING IF PRESENT. COLSON RECALLED RECEIVING THE SAME INSTRUCTIONS FROM EHRLICHMAN IN LATE MARCH OR APRIL, 1973. HE NEVER DISCUSSED THE BURGLARY WITH HUNT OR LIDDY.

CONCERNING A CURRENT NEWSPAPER STORY THAT HUNT REPORTEDLY TRIED TO TALK TO COLSON SOMETIME LATER ABOUT THE BURGLARY, COLSON RECALLED A CHANCE MEETING WITH HUNT ONE MORNING IN HIS OUTER OFFICE. HUNT WAS WAITING FOR HIM, BUT COLSON COULD NOT RECALL WHEN THIS MEETING TOOK PLACE. HUNT TOLD HIM HE WAS ON HIS WAY TO GIVE A BRIEFING ON WHAT "THEY" HAD LEARNED ABOUT ELLSBERG, THAT HE HAD ABOUT A HALF HOUR BEFORE THE BRIEFING AND HE WANTED TO TALK TO COLSON ABOUT IT. COLSON TOLD HUNT

END PAGE FOUR

PAGE FIVE

HE DID NOT HAVE TIME TO TALK TO HIM THEN, THAT HE WAS IN A HURRY. HUNT DID NOT TRY TO BROACH THE SUBJECT MATTER AGAIN.

CONCERNING A MEMORANDUM FROM COLSON TO JON HUNTSMAN DATED SEPTEMBER 13, 1971, REQUESTING IN ACCORDANCE WITH A EARLIER ARRANGEMENT THE REIMBURSEMENT OF HUNT FOR THE FOLLOWING EXPENSES, AIR FARE FOR TWO MEN FROM NEW YORK CITY TO WASHINGTON, D.C. - 68 DOLLARS, DINNER CHEK MIAMI - 35 DOLLARS AND 65 CENTS; HOTEL BILL FOR THREE MEN - LOS ANGELES - 155 DOLLARS AND 90 CENTS, COLSON ADVISED AS FOLLOWS:

COLSON FURNISHED A COPY OF THIS MEMORANDUM FROM HIS OWN OFFICE FILES TO THE FBI IN THE SUMMER OF 1972 WHEN HE WAS ASKED ABOUT HUNT'S TRAVEL. THIS WAS THE FIRST TIME HE HAD SEEN THE MEMORANDUM. HE DID NOT KNOW WHAT THE ENTRIES ON THE MEMORANDUM RELATED OR THE IDENTITIES OF THE THREE MEN REFERRED TO IN THE MEMORANDUM. COLSON NEVER SAW ANY OF HUNT'S VOUCHERS OR CLAIMS FOR REIMBURSEMENT. THESE WERE INITIALED AND SUBMITTED BY COLSON'S SECRETARY.

END PAGE FIVE

CONCERNING A RECENT NEWSPAPER STORY IN WHICH EGIL KROGH REPORTEDLY SAID HE REQUESTED FUNDS FROM COLSON FOR IMPLEMENTING THE EFFORT TO ACQUIRE INFORMATION ABOUT ELLSBERG, COLSON COULD NOT RECALL KROGH ASKING FOR MONEY FOR THE TRIP TO CALIFORNIA. HE HAS VAGUE RECOLLECTION THAT AT ABOUT THAT TIME EHRLICHMAN SPOKE TO HIM ABOUT GETTING SOME FUNDS, MAYBE FOR KROGH, BUT WHEN HE CHECKED WITH EHRLICHMAN LATER, EHRLICHMAN COULD NOT RECALL THE REQUEST.

FROM TIME TO TIME COLSON SAW MEMORANDA PREPARED BY THE WHITE HOUSE GROUP WORKING ON THE PENTAGON PAPERS INVESTIGATION, BUT HE SAW NO REPORTS PREPARED BY THAT GROUP. THE MEMORANDA, WHICH WAS SHOWN TO HIM BY HUNT BECAUSE OF COLSON'S GENERAL INTEREST IN THE ISSUE OF THE PENTAGON PAPERS, SPOKE OF HUNT'S FRUSTRATIONS TRYING TO GET THINGS DONE IN THE PLUMBERS UNIT AND OF HUNT'S ANALYSIS OF THE INVESTIGATION. COLSON SAW NOTHING RELATED TO THE PSYCHOLOGICAL STUDY OF ELLSBERG. THE NORMAL CHANNEL FOR PAPER GENERATED BY THE PLUMBERS WAS TO EGIL KROGH AND DAVID YOUNG. COLSON HAD NO INFORMATION, HOWEVER, ABOUT THE WHEREABOUTS OF RESULTS OF INVESTIGATION CONDUCTED BY THAT GROUP.

COLSON HAD NO KNOWLEDGE OF OTHER ILLEGAL ACTIVITY ENGAGED IN BY THE GROUP CONDUCTING THE PENTAGON PAPERS INVESTIGATION ON ^EBAHALF OF THE WHITE HOUSE.

END

PLS HOLD FOR ONE MORE

cc - Mr. G. G. G. G. G.

CODE

TELETYPE

1-Mr. Eardley
1-Mr. Gebhardt
1-Mr. Miller
1-Mr. Wannall

URGENT

TO: SAC, WFO (65-11613)

5/10/73

FROM: ACTING DIRECTOR, FBI (65-74060) — 4343
1-Mr. Wagoner

UNITED STATES VS ANTHONY JOSEPH RUSSO, JR.; DANIEL ELLSBERG;
ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

REWFOAIRTEL 5/7/73 AND WFOTEL 5/8/73, BOTH SETTING FORTH
DETAILS CONCERNING INTERVIEW OF CHARLES W. COLSON.

REINTERVIEW OF CHARLES W. COLSON, FORMER SPECIAL COUNSEL
TO THE PRESIDENT, IS AUTHORIZED. DURING THE INTERVIEW, THE FOL-
LOWING POINTS SHOULD BE GONE INTO IN GREAT DETAIL:

1. THE SOURCE OF FUNDS, THE AMOUNT OF FUNDS, AND ADMINIS-
TRATIVE CONTROL SET UP OVER THESE FUNDS UTILIZED TO FINANCE THE
SPECIAL UNIT AT THE WHITE HOUSE AS THEY AFFECTED THE INVESTIGATION
OF THE "PENTAGON PAPERS".

2. SPECIFIC RESPONSIBILITIES OF MR. COLSON REGARDING THE A-
BOVE FUNDS AND SPECIFICS REGARDING EXPENDITURES HE APPROVED OR
BECAME AWARE OF AS PERTAINING TO THE INVESTIGATION OF THE
"PENTAGON PAPERS".

1- LOS ANGELES (105-27952) (BY AIRMAIL)

LEB:jlb
(8)

SEE NOTE PAGE TWO

MAY 21 1973

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

FEDERAL BUREAU OF INVESTIGATION

COMMUNICATIONS SECTION

MAY 23 1973

MAY 10 1973

MAIL ROOM

TELETYPE

TELETYPE UNIT

ROUTE IN ENVELOPE

Teletype to WFO
Re: United States vs
Anthony Joseph Russo, Jr.;
Daniel Ellsberg
65-74060

OF PARTICULAR SIGNIFICANCE WOULD BE THE FULL DETAILS CONCERNING THE OBTAINING OF OR THE SOURCES OF THE FUNDS AND ACCOUNTING FOR FUNDS RELATIVE TO THE TRIP TO CALIFORNIA BY MEMBERS OF THE SPECIAL UNIT.

3. THE SPECIFICS OF ANY CONTACTS MADE BY MR. EHRLICHMAN AND/OR EGIL KROGH TO MR. COLSON FOR FUNDS FOR THE SPECIAL UNIT RELATIVE TO THE INVESTIGATION OF THE "PENTAGON PAPERS". AGAIN PARTICULAR EMPHASIS SHOULD BE PLACED ON THE TRAVEL TO CALIFORNIA BY SPECIAL UNIT MEMBERS.

THE ABOVE INTERVIEW SHOULD BE HANDLED IMMEDIATELY AND SUMMARY TELETYPE OF THE INTERVIEW SHOULD BE SUBMITTED FOLLOWED BY APPROPRIATE LETTERHEAD MEMORANDUM BY AIRTEL.

LOS ANGELES FURNISHED COPY BY AIRMAIL FOR INFORMATION.

NOTE:

See memorandum W. R. Wannall to Mr. E. S. Miller, dated 5/10/73, captioned as above, prepared by LEB:jlb.

Intelligence Division

INFORMATIVE NOTE

ELLSBERG'S CASE

Date 5/9/73

Attached reports 5/8/73 interview of Charles W. Colson former special assistant to the President, at the request of the Department. Colson voluntarily signed waiver of rights form. Colson recalled attending meetings in early July, 1971, at White House concerning disclosure of Pentagon Papers. He described meetings as "kind of panic sessions." He indicated he was not involved in White House investigation into Pentagon Papers disclosure but was engaged in Government's litigation to stop publication. Colson recalled recommending Howard Hunt to research and coordinate assignments involving investigation into the Pentagon Papers leak and said Hunt was later assigned to his staff for internal budget purposes only. Colson said he had no discussion or advance knowledge of alleged burglary of psychiatrist of Daniel Ellsberg. He said he never discussed the burglary with Howard Hunt or Gordon Liddy. Colson furnished additional information that said he had no knowledge of other illegal activities engaged in by the group conducting the Pentagon Papers investigation on behalf of the White House. Copy of attached will be disseminated to Deputy Assistant Attorney General Kevin T. Maroney.

HEM:lmk

EM/HEM

Law

W/K

5/11/73

FBI

Date: 5/7/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)TO: ACTING DIRECTOR, FBI (65-74060) ATTN: INTELLIGENCE
DIVISION

FROM: SAC, WFO (65-11613) (P)

MCLEK

Enclosed for the Bureau are five copies of an LHM reflecting an interview with CHARLES W. COLSON, former Special Counsel to the President, conducted at Washington, D. C., 5/8/73, concerning his knowledge of a White House investigation into the Pentagon Papers.

- 2 - Bureau (Enc. 5)
2 - Los Angeles (Enc. 5)
3 - WFO

CAR/jgk
(7)

105-74060-4344
5 MAY 9 1973

5/10/73
2 cc of LHM +
DAA's memo
JPW
FIVE

79 MAY 30 1973

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535

May 8, 1973

In Reply, Please Refer to
File No.

DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports an interview conducted at Washington, D. C., May 8, 1973, with Charles W. Colson, former Special Counsel to the President, concerning his knowledge of an investigation conducted on behalf of the White House into the public disclosures of the Pentagon Papers and specifically concerning his knowledge or an alleged burglary of the office of Daniel Ellsberg's psychiatrist during the course of that investigation.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

1*

65-7442-4344

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 5/8/73

Colson

CHARLES W. COLSON, former Special Counsel to the President, was interviewed in the presence of his attorneys DAVID SHAPIRO, and JUDAH BEST, in their offices at 1735 New York Avenue, N.W., Washington, D. C. (WDC). Mr. COLSON was advised he was being contacted at the request of the Department of Justice to determine if he could furnish information about an investigation conducted on behalf of the White House into the public disclosures of the Pentagon Papers and specifically for information he may have about an alleged burglary of the office of DANIEL ELLSBERG's psychiatrist by E. HOWARD HUNT and G. GORDON LIDDY during the course of that investigation.

Mr. COLSON voluntarily signed a waiver of rights, (FD 395), and advised as follows:

Mr. COLSON recalled attending meetings in early July, 1971, at the White House concerning the disclosures of the Pentagon Papers and described these meetings as "kind of panic sessions" to determine what was going on and trying to establish what was going to be published next by the newspapers and the accuracy of these publications. Mr. COLSON indicated he was not involved in the White House investigation into the Pentagon Papers disclosures, but was engaged in the Government's litigation to stop publication of the Papers. He was engaged on an almost full-time basis at this time with the preparation of the President's August 15, economics decision initiating Phase I of the Price Freeze.

When the Pentagon Papers were first published in the "New York Times" there was a need in the White House for someone to do research and co-ordinate assignments involving investigation into the leak. COLSON recalled he recommended HUNT, whom he had known for a period of years and several other individuals for this assignment. HUNT was subsequently interviewed by JOHN D. EHRLICHMAN, former Assistant to the President.

Interviewed on 5/8/73 at Washington, D. C. File # WFO 65-11613
by SA [REDACTED] CAR;jgk Date dictated 5/8/73

Later, Mr. COLSON received a telephone call from Mr. EHRLICHMAN who was then in California with the President, asking whether HUNT could be brought in and directing that he should be put to work on the investigation.

Mr. COLSON asked his staff secretary to process the necessary papers regarding the employment. HUNT was assigned to COLSON's staff for internal budget processing only.

Mr. COLSON knew that the "Plumbers", (publicly identified as EGIL KROGH, DAVID YOUNG, HUNT and LIDDY) were conducting a check for a personality profile of DANIEL ELLSBERG to determine what motivated him, what kind of "wild things" he might do. Mr. COLSON said there was an enormous concern over leaks of sensitive information at that time.

Mr. COLSON had no discussions or advanced information of the alleged burglary. He knew the Plumbers were going to the West Coast but did not know which of them would actually make the trip. He first heard about the alleged burglary sometime later at a meeting and he could not recall the time of the meeting or who was present. He thought the meeting may have been a private one with Mr. EHRLICHMAN. He believes Mr. EHRLICHMAN told him, he does not recall specifically, but he gained the impression from the conversation that "they" tried to get the records of ELLSBERG's psychiatrist and did not get them. EHRLICHMAN told him this was a national security matter and not to be discussed with anyone. Mr. COLSON never heard any discussion of a burglary attempt on the home of ELLSBERG's psychiatrist.

Mr. COLSON was asked if he had any other discussions with White House Staff members about the burglary. He recalled in connection with the Watergate investigation prior to the time when he was questioned by the Federal Bureau of Investigation (FBI), and gave a deposition to Mr. SILBERT of the United States Attorney's office, he asked JOHN DEAN, Counsel to the President, what to do if the "Pentagon Papers" question came up.

DEAN told him that if asked, he was not to discuss the matter, inasmuch, as it was a national security matter

of the highest classification and that he (DEAN) would interrupt such questions if present. He recalled receiving the same instructions from Mr. EHRLICHMAN in late March or April, 1973. He never discussed the burglary with HUNT or LIDDY.

Concerning a current newspaper story that HUNT reportedly tried to talk to Mr. COLSON sometime later about the burglary, COLSON recalled a chance meeting with HUNT one morning in his outer office. HUNT was waiting for him but Mr. COLSON could not recall when the meeting took place. HUNT told him he was on his way to give a briefing on what "they" had learned about ELLSBERG, and that he had about a half an hour before the briefing and he wanted to talk to COLSON about it. COLSON told HUNT he did not have time to talk to him then, that he was in a hurry. HUNT did not try to broach the subject matter again.

Concerning the memorandum from COLSON to JON HUNTSMAN dated September 13, 1971, requesting in accordance with an earlier arrangement the reimbursement of HUNT for the following expenses: Air fares for two men from New York City to Washington, D. C. \$68.00; Dinner check, Miami - \$35.65; Hotel bill for three men, Los Angeles - \$156.90, COLSON advised as follows:

COLSON furnished a copy of this memorandum from his own office files to the Federal Bureau of Investigation in the summer of 1972 when he was asked about HUNT's travel. This was the first occasion on which he had seen the memorandum and he did not know to what the entries on the memorandum related or the identity of the three men referred to in the memo. COLSON never saw any of HUNT's vouchers or claims for reimbursement. These were initialed and submitted by COLSON's secretary.

Concerning a recent newspaper story according to which EGIL KROGH reportedly said he requested funds from COLSON for implementing the effort to acquire information about ELLSBURG, COLSON could not recall KROGH asking him for money for the trip to California. He has a vague recollection

WFO 65-11613

4

that at about that time Mr. EHRLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with Mr. EHRLICHMAN later, EHRLICHMAN could not recall the request.

From time to time COLSON saw memoranda prepared for the White House group working on the Pentagon Papers investigation, but he saw no reports prepared by that group. The memoranda which were shown to him by HUNT because of COLSON's general interest in the issue of the Pentagon Papers, spoke of HUNT's frustrations trying to get things done in the Plumbers' unit and HUNT's analyses of the investigation. COLSON saw nothing related to the psychological study of ELLSBERG. The normal channel for papers generated by the Plumbers was to EGIL KROGH and DAVID YOUNG. COLSON had no information about the whereabouts of results of investigation conducted by that group.

COLSON had no knowledge of other illegal activities engaged in by the group conducting the Pentagon Papers investigation on behalf of the White House.

Intelligence Division

INFORMATIVE NOTE

Date 5/10/73ELLSBERG CASE

On 5/8/73 Charles W. Colson, former Special Counsel to the President, was interviewed by Agents of the Washington Field Office. Mr. Colson voluntarily signed a waiver of rights and advised that in early July, 1971, he attended meetings at The White House concerning disclosures of the "Pentagon Papers." These meetings were described as "kind of panic sessions" to determine facts in the matter and to determine what would be published in the newspapers. Mr. Colson's task at the time was to participate in the Government's litigation to secure the cessation of publication of the "Pentagon Papers." Following publication of the papers, there was a need for someone to research and coordinate assignments involving investigation of the leak, and he recommended E. Howard Hunt for employment. Hunt was thereafter interviewed by John D. Ehrlichman, former Assistant to the President, and Hunt was employed. Hunt was a part of the group known as the "Plumbers" (Egil Krogh, David Young, G. Gordon Liddy, and Hunt), and this group was conducting a check for a personality profile of Daniel Ellsberg. Although Mr. Colson knew of the "Plumbers" trip to the West Coast, he had no advance

LEB:mlr

CONTINUED - OVER

ROUTE IN ENVELOPE

information of the alleged burglary nor did he know who would make the trip. He heard about the alleged burglary sometime later, but he did not know the circumstances. He believes Mr. Ehrlichman may have told him that "they" tried to get the records of Ellsberg's psychiatrist, but had not been successful. Mr. Ehrlichman told him that the matter was a "national security matter" and not to be discussed with anyone. He was told also by John Dean, Counsel to the President, that if the matter ever came up, he was not to discuss it as it was a national security matter. Colson denied the current newspaper story that Hunt tried to talk to Mr. Colson about the burglary, but did admit that Hunt had tried to give him a briefing on what "they" had learned about Ellsberg, but because he was in a hurry at the time, he did not talk with Hunt. Mr. Colson stated that he never saw any of Hunt's vouchers or claims for reimbursement, as they were initialed and submitted by Colson's secretary. Colson could not recall Egil Krogh asking him for money for the trip to California. Colson added that he saw no reports prepared by the group at The White House working on the "Pentagon Papers." He did see memoranda prepared by Hunt, and these memoranda spoke of Hunt's frustrations trying to get things done in the "Plumbers" unit and containing Hunt's analysis of the investigation. He saw nothing related to the psychological study of Ellsberg.

Copies of the results of interview
with Charles W. Colson have been
furnished to Deputy Attorney General
Kevin T. Maroney.

LFB

done ↑
Jm
WBC EM / wfo

7
Law

CDH

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DATE 1-11-73
TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Cooney	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR005 WF CODE

235 PM URGENT 5-10-73 FMK

TO ACTING DIRECTOR (65-74060)

ATTENTION INTD

FROM WASHINGTON FIELD (65-11613)

MCLEK

THIS CONFIRMS INFORMATION TELEPHONICALLY FURNISHED THE BUREAU BY WFO ON INSTANT DATE REGARDING ALLEGATION PERSONS BEING INTERVIEWED BY FBI IN CAPTIONED MATTER HAVE BEEN CAUTIONED NOT TO COOPERATE WITH OR FURNISH INFORMATION TO LOCAL AUTHORITIES FROM LOS ANGELES, CALIFORNIA.

WFO AGENTS HAVE NOT INSTRUCTED ANY INDIVIDUAL INTERVIEWED IN CAPTIONED MATTER NOT TO COOPERATE OR FURNISH INFORMATION CONCERNING INVESTIGATION TO PERSONS OUTSIDE THIS BUREAU, SAID ANYTHING TO PERSONS INTERVIEWED THAT MIGHT BE IN ANY WAY CONSTRUED TO CONVEY SUCH INSTRUCTION NOR HAVE THEY REQUESTED PERSONS INTERVIEWED THAT THE INTERVIEW OR MATTERS DISCUSSED DURING INTERVIEW BE KEPT ON A CONFIDENTIAL BASIS.

END

RXH FBI HQ CLR

17 MAY 21 1973

79 MAY 23 1973

5/10/73
Sent to
RAG, CPD
JPW

Ward

REC 107 15-7-106 4345

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 1 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Sayers	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Baise	_____
Mr. Barnes	_____
Mr. Bowler	_____
Mr. Herlihy	_____
Mr. Conmy	_____
Mr. Egan	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR007 MM CODE

414 PM URGENT 5-¹⁰9-73 JLB

TO ACTING DIRECTOR 65-74060

ATTN: INTD. CI - 3

FROM MIAMI 65-3264

2 P

RE: MCLEK

FOLOWING SUBMITTED REGARDING PERSONAL INTERVIEW
WITH FELIPE DE DIEGO BY [REDACTED] T AND [REDACTED]
[REDACTED] ON MAY EIGHTH, LAST, AND TELEPHONE CALL BY HIM
TO [REDACTED] ON MAY NINE, LAST.

DURING EFFORTS TO LOCATE DE DIEGO FOR INTERVIEW,
AND DURING INTERVIEWS WITH HIM, NEITHER HE NOR ANYONE ELSE WAS
INSTRUCTED NOT TO COOPERATE OR FURNISH INFORMATION TO
ANY OTHER AGENCY. NO ONE WAS ASKED TO KEEP THE AGENTS'
INQUIRIES CONFIDENTIAL.

DURING THE EFFORTS OF THE AGENTS TO ORIGINALLY
LOCATE HIM FOR INTERVIEW ON MAY EIGHTH LAST, HIS WIFE
INFORMED THE AGENTS BY TELEPHONE THAT HE WAS IN PUERTO
RICO, AND NOT AVAILABLE.

WHEN HE WAS FINALLY LOCATED ON MAY EIGHTH, AND DURING
END PAGE ONE

79 MAY 23 1973

REC 107

65-74060 4376
17 MAY 21 1973

200-30 AM-100
7/2/73 JPB

T-100

MM 65-3264

PAGE TWO

THE PRELIMINARIES TO THE INTERVIEW, HE STATED MANY NEWS-PAPER MEN HAD BEEN CONSTANTLY MOLESTING HIM AND HIS FAMILY IN AN EFFORT TO GET HIM TO MAKE A STATEMENT, AND THAT HE HAD HAD TO CALL THE POLICE TO RUN THEM OFF. HE SAID HE WANTED TO APOLOGIZE FOR HIS WIFE, SINCE HE HAD WARNED HER PREVIOUSLY TO TELL ANYONE NOT KNOWN TO HER THAT HE WAS OUT OF TOWN.

AFTER TERMINATION OF THE INTERVIEW ON MAY EIGHTH LAST, HE EXPRESSED HIS ADMIRATION FOR THE FBI AND THE WAY THE INTERVIEW HAD BEEN CONDUCTED. HE VOLUNTARILY STATED THAT IF HE TALKED WITH ANYONE IN THE FUTURE, HE WOULD LIKE IT TO BE THE FBI, BUT ONLY AFTER BEING GRANTED IMMUNITY. IT WAS SUGGESTED TO HIM IN VIEW OF THE ABOVE THAT BEFORE HE TALKED WITH ANYONE HE SHOULD BE ASSURED THAT THEY ARE FULLY IDENTIFIED TO HIM.

IMMEDIATE EFFORTS BEING MADE TO RECONTACT DE DIEGO, AT WHICH TIME IT WILL BE MADE CLEAR TO HIM THAT HE HAS NO INSTRUCTIONS, ORDERS, OR EVEN SUGGESTIONS FROM US, THAT HE IS NOT TO TALK WITH ANYONE, AND THAT HE MAY TALK WITH ANYONE HE WANTS.

END

MBT FBIHQ CLR

NR018 LA CODE

3:22 PM URGENT 5-10-73 DAN

TO ACTING DIRECTOR (65-74060)

ATTN: INID MR. RAYMOND WANNALL

FROM LOS ANGELES (105-27952) 2P

MC LEK, SIO

Mr. Felt	
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Galt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller, E.S.	
Mr. S. S. S.	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Egan	
Mr. Barnes	
Mr. Egan	
Mr. Felt	
Mr. Galt	
Mr. Jones	
Mr. Eardley	
Mrs. Hogan	

RE MR. WANNALL'S TELEPHONE CALL TO LOS ANGELES, MAY TEN INSTANT.

AS PER INSTRUCTIONS, [REDACTED]

[REDACTED] RECONTACTED EFRAIN JUAREZ MARTINEZ AND HIS MOTHER, MRS. MARIA JUAREZ MARTINEZ, AT RESEDA AND SAN FERNANDO, CALIFORNIA, RESPECTIVELY.

EFRAIN MARTINEZ VOLUNTEERED THE FOLLOWING INFORMATION:

HE STATED APPROXIMATELY THREE DAYS AGO HE RECEIVED A TELEPHONE CALL FROM AN UNKNOWN MAN WHO SAID HE WAS A LAWYER. MARTINEZ COULD NOT RECALL FROM WHAT OFFICE THE MAN SAID HE WAS CALLING. HE INFORMED MARTINEZ THAT HE WOULD FIND SOMEONE TO SPEAK SPANISH AND COME OUT AND HAVE HIM (EFRAIN IDENTIFY THE BURGLARS.

REC 107

65-74061-4347

EFRAIN INFORMED THE UNKNOWN MAN THAT HE HAD TOLD THE STORY TO THE FBI; HE COULD NOT IDENTIFY THE INDIVIDUALS HE SAW
END PAGE ONE

79 MAY 23 1973

2 in 4 to AR 150
JAW
JPW

LA 105-27952

PAGE TWO

IN THE BUILDING; AND HE WAS CONSIDERING CALLING HIS LAWYER BECAUSE HE DID NOT WANT TO MAKE IDENTIFICATIONS HE COULD NOT MAKE.

EFRAIN STATED FURTHER HE INFORMED "THE LAWYER" HIS MOTHER WOULD NOT HAVE ANYTHING TO SAY BECAUSE SHE COULD NOT IDENTIFY THE BURGLARS.

BUREAU AGENTS INFORMED EFRAIN JUAREZ-MARTINEZ HE WAS FREE TO TALK TO ANYONE HE CHOSE AND AT NO TIME HAD HE BEEN ADVISED BY THE FBI NOT TO TALK TO ANYONE. HE SAID HE UNDERSTOOD THIS.

MARIA JUAREZ-MARTINEZ WAS INTERVIEWED BY SPECIAL AGENT [REDACTED] IN THE PRESENCE OF SPECIAL AGENT [REDACTED] SHE VOLUNTEERED IN THE SPANISH LANGUAGE SHE HAD SPOKEN TO NO ONE ABOUT THE BURGLARY OF DOCTOR FIELDING'S OFFICE EXCEPT HER SON, EFRAIN JUAREZ-MARTINEZ, SINCE SHE WAS INTERVIEWED BY THE FBI.

IT WAS CLEARLY POINTED OUT TO MRS. MARTINEZ SHE WAS FREE TO TALK TO ANYONE AND SHE WAS NOT BEING INSTRUCTED TO AVOID COOPERATING WITH ANYONE. SHE SAID SHE UNDERSTOOD THIS.

THE INTERVIEW WITH MRS. MARTINEZ WAS CONDUCTED ENTIRELY IN SPANISH WHILE THE INTERVIEW WITH HER SON, EFRAIN, WAS PARTIALLY IN ENGLISH AND PARTIALLY IN SPANISH.

END

GWS WA DC

ACK CLR

FBI

Date: 5/10/73

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

Via _____ (Priority)

Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Cresswell _____
Mr. Deane _____
Mr. Egan _____
Csm / SP
Mr. Thompson _____
Mr. W. H. _____
Tele. Room _____
Mr. Tamm _____
Mr. Armstrong _____
Mr. Powers _____
Mr. Neenan _____
Ms. Herwig _____
Mr. Mintz _____
Mrs. Neenan _____

TO: ACTING DIRECTOR, FBI (65-74060)
(ATTN: INTD CI-3)

FROM: SAC, MIAMI (65-3264) (P)

SUBJECT: MCLEK

5/8/73. Re Bureau airtel, 5/7/73; and Miami teletype,

On 5/8/73, FELIPE DE DIEGO was contacted at his new business, Realco Realty, Inc., Miami, and was readily friendly. He indicated he had been hounded in recent days by the news media and had just returned from visiting his parents in Puerto Rico, but was most agreeable to a visit from the FBI.

He speaks fluent English. There are enclosed for the Bureau and interested offices two copies each of an FD-302 setting out results of that interview.

In conclusion, DE DIEGO expressed concern over recent highly publicized public accusations and counter charges by various highly placed officials regarding the Watergate affair, all of which tended to cloud the United States public's confidence in their government. He indicated accordingly he would be glad to receive a subpoena and get this whole thing resolved.

ENCLOSURE

- (2) - Bureau (Enc. 2) (RM)
2 - Los Angeles (105-27952) (Enc. 2)
1 - Washington Field (65-11613) (Info) (Enc. 2)
1 - Miami
WWS:nli
(6)

REC 107

65-74060-4348

79 MAY 23 1973

Approved: _____ Sent _____ M Per _____
Special Agent in Charge
U.S. Government Printing Office: 1972 - 455-574

FEDERAL BUREAU OF INVESTIGATION

5/9/73

Date of transcription

1.


Calif
FELIPE DE DIEGO, 1841 S.W. 92nd Place, Miami, Florida, was contacted at his place of business, Realco Realty, Inc., 2731 Coral Way, Miami, Florida, where he is president. He read the "Advice of Rights" form and stated he understood, but he did not wish to sign the form.

Calif
Mr. DE DIEGO was advised that the FBI wished to question him concerning his activities on the west coast in 1971, with BERNARD BARKER and his associates, particularly in connection with the allegation that he, DE DIEGO, had participated in the break-in of the office of the psychiatrist of DANIEL ELLSBERG. He replied that he would not say anything about that at this time, but that he wanted it understood that anything he did he did because he thought he was working for the CIA and helping the United States Government.

Mr. DE DIEGO said he would tell everything he knows about those activities if he was granted immunity by the Grand Jury. He pointed out that he had been granted immunity earlier in testifying before the Grand Jury in the Watergate affair. If he was extended the same type of immunity in this matter, he would tell everything he knew about the ELLSBERG affair.

Mr. DE DIEGO said that in the meantime, however, in his own self interest he would have no further comment concerning this matter. He indicated after all the publicity, he would be glad to receive a subpoena and help get this thing resolved.

Interviewed on 5/8/73 at Miami, Florida File # Miami 65-3264

by  WWW/nli Date dictated 5/9/73

LTP 05225

65-74667-4348

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 10 1973

TELETYPE

NR 035 LA CODE

1008 PM NITEL 5/9/73 RWM

TO ACTING DIRECTOR (65-74060) ATTN: INTD
FROM LOS ANGELES (105-27952) 2P.

ELLSBERG CASE
MC LEK, SIO.

no leak

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. Galt	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input type="checkbox"/>
Mr. Miller	<input checked="" type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Baise	<input type="checkbox"/>
Mr. Barnes	<input type="checkbox"/>
Mr. Bowers	<input type="checkbox"/>
Mr. Herington	<input type="checkbox"/>
Mr. Conmy	<input type="checkbox"/>
Mr. Mintz	<input type="checkbox"/>
Mr. Landley	<input type="checkbox"/>
Mrs. Hogan	<input type="checkbox"/>

Alumbert

NO COURT SESSION WAS HELD MAY NINE INSTANT. GOVERNMENT
FURNISHED ADDITIONAL SUBMISSIONS TO JUDGE BYRNE FOR HIS IN CAMERA
INSPECTION. COMMENCING NINE THIRTY A.M., MAY TEN NEXT, ARGUMENTS
WILL BE HEARD ON DEFENSE MOTIONS FOR DISMISSAL AND FOR JUDGMENT
OF ACQUITTAL. JUDGE BYRNE HAS PREVIOUSLY STATED HE WILL RULE
FOLLOWING HEARING OF ARGUMENTS.

LOCAL NEWS MEDIA ARE CARRYING STORIES LOS ANGELES COUNTY
IS CONVENING A GRAND JURY TO INVESTIGATE WHAT IS BEING TERMED
QUOTE WATERGATE WEST UNQUOTE REGARDING THE BURGLARY OF DOCTOR
FIELDING'S OFFICE BY LIDDY, HUNT, ET AL. LOS ANGELES COUNTY
DISTRICT ATTORNEY JOSEPH BUSCH HAS ANNOUNCED THAT HE HAS SENT
A TEAM OF INVESTIGATORS TO WASHINGTON, D.C., TO CONFER
WITH JUDGE SIRICA AND TO INTERVIEW THE CUBANS MARTINEZ AND
BARKER, THE CONVICTED WATERGATE CO-CONSPIRATORS HELD IN
DISTRICT JAIL.

END PAGE ONE

REC 107

65-74060-4379

Just

ROUTE IN ENVELOPE

79 MAY 23 1973

LA 105-27952

PAGE TWO

PER TELEPHONIC INSTRUCTIONS OF BUREAU SECTION CHIEF

W. RAYMOND WANNALL RECEIVED MAY NINE INSTANT, LOS ANGELES HAS
TURNED OVER THE FOLLOWING FD THREE ZERO TWOS DIRECTLY TO
DEPARTMENTAL ATTORNEY DAVID NISSEN, LOS ANGELES, ON MAY NINE
INSTANT:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

BUREAU WILL BE IMMEDIATELY ADVISED OF JUDGE BYRNE'S RULINGS
WHEN ISSUED ON MAY TEN NEXT.

END

HOLD

Intelligence Division

INFORMATIVE NOTE

Date 5/10/73

ELLSBERG CASE

Attached reports that no court session held 5/9/73. Government furnished additional submissions to Judge Byrne for his in camera inspection. On 5/10/73, arguments to be heard on defense motions for dismissal and for judgment of acquittal. Judge Byrne earlier stated he will rule following arguments. Los Angeles (LA), California, news media indicates LA County (LAC) convening Grand Jury to investigate burglary of Ellsberg's psychiatrist's office. LAC District Attorney announced he has sent investigators to Washington, D.C. to confer with Judge Sirica and to interview Cubans Martinez and Barker, convicted Watergate co-conspirators. In accordance with FBIHQ instructions, Los Angeles Office has turned over FD-302s (form for reporting information that may become testimony) concerning interviews of 8 individuals conducted 5/1 - 4/73, directly to Departmental Attorney David Nissen, LA, on 5/9/73. LA Office will immediately advise Bureau of Judge Byrne's rulings when issued 5/10/73.

clm
SP Copies of attached will be disseminated to Deputy Assistant Attorney General Kevin T. Maroney.

HEM:jaw

EM/HEM

clm

WXC

EM/HEM

7/10/73

F B I

Date: 5/9/73

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
ATTENTION: INTELLIGENCE DIVISION

FROM: SAC, WFO (65-11613)

MCLEK

Enclosed for the Bureau and for Los Angeles are five copies each of an LHM reflecting interviews with DANIEL SCHULTZ, attorney for EUGENIL ROLANDO MARTINEZ, BERNARD L. BARKER, with WILLIAM O. BITTMAN, attorney for E. HOWARD HUNT and with CHARLES W. COLSON.

Mr. Fish	✓
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. DeLoach	
Mr. Jenkins	
Mr. Marshall	
Mr. McNamee	✓
Mr. Soyars	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Felt	
Mr. Turner	
Mr. Foyers	
Mr. Harrington	
Mr. Conroy	
Mr. Gandy	
Mrs. Hogan	

REC 107

- 2- Bureau (Enc. 5)
2- Los Angeles (Enc. 5) (AM) (SPECIAL DELIVERY)
3- WFO

CAR:mad
(7)

17 MAY 21 1973

79 MAY 23 1973

Approved: MADEP
Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20535
May 9, 1973

In Reply, Please Refer to
File No.

DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.

This memorandum reports investigation conducted at Washington, D. C., May 8, 1973 - May 9, 1973, in effort to interview Eugenio Rolando Martinez, Bernard L. Barker and E. Howard Hunt; and a report of interview with Charles W. Colson.

65-711-4350

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/8/731

On May 8, 1973, an effort was made to interview EUGENIO ROLANDO MARTINEZ and BERNARD L. BARKER at the District of Columbia Jail.

Their Attorney, DANIEL SCHULTZ, 1990 M Street, N.W., Washington, D.C. appeared at this jail at approximately the same time as the representatives of the Federal Bureau of Investigation (FBI). This appearance was a coincidence for the Attorney had no knowledge the FBI Agents were at the jail for the purpose of interviewing his clients.

Prior to the time arrangements could be perfected through jail procedures to see MARTINEZ and BARKER, their Attorney approached the Agents. He announced that it was his advice to his clients that at this time they should not be interviewed. Based on this decision by their Attorney, MARTINEZ and BARKER were not made available for interview by the Agents.

Interviewed on 5/8/73 at Washington, D.C. File # WFO 65-11613

by  Date dictated 5/8/73

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 5/9/73

Mr. WILLIAM O. BITTMAN, Attorney, office address 815 Connecticut Avenue, N.W., Washington, D. C., telephonically advised that he represents Mr. E. HOWARD HUNT.

Mr. BITTMAN was advised that the United States Department of Justice had requested that the FBI interview Mr. HUNT in connection with the camera which Mr. HUNT stated he received from the Central Intelligence Agency with particular emphasis on what Mr. HUNT had done with the camera and any photographs taken with it.

Mr. BITTMAN advised that Mr. HUNT has testified a number of times before a Federal Grand Jury concerning his activities and as Mr. HUNT's attorney, he does not feel it would be proper to subject his client to an independent FBI interview at this time.

Interviewed on 5/9/73 at Washington, D. C. File # WFO 65-11613
by [REDACTED] Date dictated 5/9/73

Date of transcription 5/8/73

CHARLES W. COLSON, former Special Counsel to the President, was interviewed in the presence of his attorneys DAVID SHAPIRO, and JUDAH BEST, in their offices at 1735 New York Avenue, N.W., Washington, D. C. (WDC). Mr. COLSON was advised he was being contacted at the request of the Department of Justice to determine if he could furnish information about an investigation conducted on behalf of the White House into the public disclosures of the Pentagon Papers and specifically for information he may have about an alleged burglary of the office of DANIEL ELLSBERG's psychiatrist by E. HOWARD HUNT and G. GORDON LIDDY during the course of that investigation.

Mr. COLSON voluntarily signed a waiver of rights, (FD 395), and advised as follows:

Colson
Mr. COLSON recalled attending meetings in early July, 1971, at the White House concerning the disclosures of the Pentagon Papers and described these meetings as "kind of panic sessions" to determine what was going on and trying to establish what was going to be published next by the newspapers and the accuracy of these publications. Mr. COLSON indicated he was not involved in the White House investigation into the Pentagon Papers disclosures, but was engaged in the Government's litigation to stop publication of the Papers. He was engaged on an almost full-time basis at this time with the preparation of the President's August 15, economics decision initiating Phase I of the Price Freeze.

When the Pentagon Papers were first published in the "New York Times" there was a need in the White House for someone to do research and co-ordinate assignments involving investigation into the leak. COLSON recalled he recommended HUNT, whom he had known for a period of years and several other individuals for this assignment. HUNT was subsequently interviewed by JOHN D. EHRICHMAN, former Assistant to the President.

Interviewed on 5/8/73 at Washington, D. C. File # WFO 65-11613

by [REDACTED] sk Date dictated 5/8/73

Later, Mr. COLSON received a telephone call from Mr. EHRLICHMAN who was then in California with the President, asking whether HUNT could be brought in and directing that he should be put to work on the investigation.

Mr. COLSON asked his staff secretary to process the necessary papers regarding the employment. HUNT was assigned to COLSON's staff for internal budget processing only.

Mr. COLSON knew that the "Plumbers", (publicly identified as EGIL KROGH, DAVID YOUNG, HUNT and LIDDY) were conducting a check for a personality profile of DANIEL ELLSBERG to determine what motivated him, what kind of "wild things" he might do. Mr. COLSON said there was an enormous concern over leaks of sensitive information at that time.

Mr. COLSON had no discussions or advanced information of the alleged burglary. He knew the Plumbers were going to the West Coast but did not know which of them would actually make the trip. He first heard about the alleged burglary sometime later at a meeting and he could not recall the time of the meeting or who was present. He thought the meeting may have been a private one with Mr. EHRLICHMAN... He believes Mr. EHRLICHMAN told him, he does not recall specifically, but he gained the impression from the conversation that "they" tried to get the records of ELLSBERG's psychiatrist and did not get them. EHRLICHMAN told him this was a national security matter and not to be discussed with anyone. Mr. COLSON never heard any discussion of a burglary attempt on the home of ELLSBERG's psychiatrist.

Mr. COLSON was asked if he had any other discussions with White House Staff members about the burglary. He recalled in connection with the Watergate investigation prior to the time when he was questioned by the Federal Bureau of Investigation (FBI), and gave a deposition to Mr. SILBERT of the United States Attorney's office, he asked JOHN DEAN, Counsel to the President, what to do if the "Pentagon Papers question came up".

DEAN told him that if asked, he was not to discuss the matter, inasmuch, as it was a national security matter

of the highest classification and that he (DEAN) would interrupt such questions if present. He recalled receiving the same instructions from Mr. EHRLICHMAN in late March or April, 1973. He never discussed the burglary with HUNT or LIDDY.

Concerning a current newspaper story that HUNT reportedly tried to talk to Mr. COLSON sometime later about the burglary, COLSON recalled a chance meeting with HUNT one morning in his outer office. HUNT was waiting for him but Mr. COLSON could not recall when the meeting took place. HUNT told him he was on his way to give a briefing on what "they" had learned about ELLSBERG, and that he had about a half an hour before the briefing and he wanted to talk to COLSON about it. COLSON told HUNT he did not have time to talk to him then, that he was in a hurry. HUNT did not try to broach the subject matter again.

Concerning the memorandum from COLSON to JON HUNTSMAN dated September 13, 1971, requesting in accordance with an earlier arrangement the reimbursement of HUNT for the following expenses: Air fares for two men from New York City to Washington, D. C. \$68.00; Dinner check, Miami - \$35.65; Hotel bill for three men, Los Angeles - \$155.90, COLSON advised as follows:

COLSON furnished a copy of this memorandum from his own office files to the Federal Bureau of Investigation in the summer of 1972 when he was asked about HUNT's travel. This was the first occasion on which he had seen the memorandum and he did not know to what the entries on the memorandum related or the identity of the three men referred to in the memo. COLSON never saw any of HUNT's vouchers or claims for reimbursement. These were initialed and submitted by COLSON's secretary.

Concerning a recent newspaper story according to which EGIL KROGH reportedly said he requested funds from COLSON for implementing the effort to acquire information about ELLSBURG, COLSON could not recall KROGH asking him for money for the trip to California. He has a vague recollection

WFO 65-11613

that at about that time Mr. EHRLICHMAN spoke to him about getting some funds, maybe for KROGH, but when he checked with Mr. EHRLICHMAN later, EHRLICHMAN could not recall the request.

From time to time COLSON saw memoranda prepared for the White House group working on the Pentagon Papers investigation, but he saw no reports prepared by that group. The memoranda which were shown to him by HUNT because of COLSON's general interest in the issue of the Pentagon Papers, spoke of HUNT's frustrations trying to get things done in the Plumbers' unit and HUNT's analyses of the investigation. COLSON saw nothing related to the psychological study of ELLSBERG. The normal channel for papers generated by the Plumbers was to EGIL KROGH and DAVID YOUNG. COLSON had no information about the whereabouts or results of investigation conducted by that group.

COLSON had no knowledge of other illegal activities engaged in by the group conducting the Pentagon Papers investigation on behalf of the White House.

ROUTE IN ENVELOPE

Intelligence Division

INFORMATIVE NOTE

Date 5/10/73

ELLSBERG CASE

1 - Mr. Egan

Attached memorandum relates that when an effort was made to interview Eugenio Rolando Martinez and Bernard L. Barker at the District of Columbia Jail, attorney Daniel Schultz announced that it was his advice to Martinez and Barker that they should not be interviewed. Accordingly, no further effort was made to interview Martinez and Barker.

Attached also reflects that William O. Bittman, Washington, D.C., advised on 5/9/73 that he was attorney for Mr. E. Howard Hunt. Mr. Bittman was advised that the FBI desired to interview Mr. Hunt relative to a camera he received from the Central Intelligence Agency and the disposal of the camera and film.

Mr. Bittman stated that Mr. Hunt has testified a number of times before a Federal Grand Jury, and he, Mr. Bittman, did not feel it would be proper to subject his client to an independent FBI interview at this time.

Also attached is an interview with Charles W. Colson. This interview has been made the subject of a separate note.

Copies of the attached have been furnished to Deputy Attorney General Kevin T. Maroney.

LEB:mlr

LEB

FLM WLL

EM

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

FROM : E. S. Miller

SUBJECT: DANIEL ELLSBERG;
ET AL

1 - Mr. Eardley
1 - Mr. E. S. Miller

DATE: 5/10/73

1 - Mr. R. E. Gebhardt
1 - Mr. J. R. Wagoner

Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall ☒
Mr. Miller, E.S. ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

According to an article in "New York Times" of 5/8/73, written by Seymour Hersh, one reliable source said that Presidential Aide John D. Ehrlichman became convinced in mid-1971 that the FBI was refusing to make the "Pentagon Papers" a primary case because of the close relationship between FBI Director Hoover and Louis Marx, New York toy manufacturer whose daughter was dating Ellsberg at the time and who later was married to him.

Any claim that the FBI did not treat the Ellsberg inquiry as an urgent and major investigation is completely without foundation. From the very outset of our investigation on 6/16/71, we afforded this case priority and sustained investigative attention. The field was instructed to pursue all logical leads at once and to afford the case "expeditious and continuing investigative attention, insuring that adequate experienced personnel are assigned to immediately cover all leads and interviews called for." The field was also instructed to report results of inquiries by teletype. Principal offices (New York, Los Angeles, Boston, and Washington Field) were required to submit a daily teletype summary of developments.

All of the principal offices involved established special units or squads to handle the case, and within the Intelligence Division at Headquarters, a special supervisory squad was set up known as the Special Investigations Office to handle this case and several other "leak" matters of current interest. This unit, which was headed by Inspector C. D. Brennan, consisted of no less than nine Special Agent Supervisors during the last part of 1971.

Some idea as to the urgency and thoroughness with which this case was handled can also be seen from the volume of mail we have generated. The file on this case now consists of 75 volumes. During approximately a one-month period from

RDC:mlr
(5)

REC 107

CONTINUED - OVER

79 MAY 23 1973

17 MAY 14 1973

ROUTE IN ENVELOPE

Memorandum to Mr. Felt
Re: Daniel Ellsberg;
Et Al

mid-July to mid-August, 1971, a survey disclosed that we received 270 teletypes, 71 airtels, 14 investigative reports, and seven letters from our various field offices dealing with this one case.

In summary, it can be seen that from the beginning to the present time, we have treated the Ellsberg inquiry as a "special" and have afforded it maximum investigative and supervisory attention.

ACTION:

For information.

205

EM
WIC

7 LMM

WIC

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

FROM : Mr. E. S. Miller *Emphatic*

SUBJECT: U.S. vs ANTHONY J. RUSSO, JR.,
AND DANIEL ELLSBERG

1 - Mr. Eardley
1 - Mr. E. S. Miller

DATE: 5/10/73

1 - Mr. J. R. Wagoner

7:00
Mr. Felt ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. DeLoach ☒
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Miller, E.S. ☒
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conny ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

Following is to record information furnished to SA [REDACTED] by Director of Security Frank Stanton, Department of Transportation, on 5/10/73 and action taken with regard to this information.

Stanton telephonically advised SA [REDACTED] that Egil Krogh, Jr., who resigned from his post as Undersecretary of Transportation, has a private safe in his office in the Department of Transportation. The combination to this safe is known only to Krogh and his secretary, Dorothy Jefferson.

According to Stanton, John Barnum, General Counsel, Department of Transportation, has ordered the safe not be opened by anyone without approval of Egil Krogh. Mr. Barnum is attempting to locate Krogh to obtain authorization for his secretary to open the safe and the contents be examined by Krogh's former assistant, Mr. Ronald Floto.

Foregoing information was telephonically furnished to Assistant Director Leonard M. Walters, who instructed that the Department be advised and request be made of the Department as to whether any FBI action wanted.

At 10:01 AM, today, this information was telephonically furnished to Deputy Assistant Attorney General Kevin T. Maroney, who advised the matter would be considered by Department officials, and FBI subsequently advised.

Subsequent to the above, SA [REDACTED] advised he had just been informed by Mr. Stanton that Krogh had authorized that his safe be opened and the contents turned over to his former Special Assistant, Ronald Floto. According

JRW:mlr
(4)

REC 107 115-74016-4352
CONTINUED - OVER
17 MAY 21 1973

79 MAY 23 1973

ROUTE IN ENVELOPE

Memorandum to Mr. Felt
Re: U.S. vs Anthony J. Russo, Jr.,
and Daniel Ellsberg

to Mr. Stanton, Floto is currently in possession of the contents of Krogh's safe.

At 10:27 AM, Mr. Maroney telephonically contacted SA [REDACTED] and was updated on the most current information received from Stanton. Maroney requested that FBI Agents be dispatched to the Department of Transportation and Mr. Floto be contacted with the purpose of Agents examining the contents of Krogh's safe. He requested the Department be advised of any Government documents in order that arrangements could be made to have these documents reclaimed.

Foregoing information, together with Mr. Maroney's request, was telephonically furnished to SAC John J. McDermott, Washington Field Office, by Inspector W. R. Wannall at 10:49 AM.

ACTION:

None. For information. You will be advised of the result of the examination of the contents of Krogh's safe.

JPW

EM/urfw
ALC

Flaw

WDR

NR020 MM CODE

700 PM URGENT 5/10/73 FXF

TO ACTING DIRECTOR

ATTN: INTD. CI - 3.

LOS ANGELES 105-27952

WASHINGTON FIELD 65-11613

FROM MIAMI 65-3264 3 PAGES

MCLEK

7:00 PM
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gerardi _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baine _____
Mr. Barnes _____
Mr. Brown _____
Mr. Harrison _____
Mr. Conmy _____
Mr. ... _____
Mr. Eardley _____
Mrs. Hogan _____

RE MIAMI TELETYPE, 5/10/73, 4:14 PM AND MIAMI TELETYPE, 5/9/73.

IN ACCORDANCE WITH MIAMI TELETYPE 5/10/73, FELIPE DE DIEGO, 2731 CORAL WAY, MIAMI, FLA., WAS CONTACTED THIS DATE AND IT WAS CLARIFIED TO HIM THAT HE HAD NO OBLIGATION TO THE FBI AND THERE HAD BEEN NO SUGGESTION MADE TO HIM THAT HE WAS NOT TO TALK WITH ANYONE. HE ADVISED THAT HE FULLY UNDERSTOOD THIS AND WHEN ASKED ABOUT THIS AT THE DADE COUNTY, FLA., STATE ATTORNEY'S OFFICE ON THE MORNING OF 5/10/73, HE HAD MADE THAT FACT CLEAR.

DE DIEGO VOLUNTARILY FURNISHED THE FOLLOWING INFORMATION REGARDING HIS VISIT:
END PAGE ONE

79 MAY 23 1973

REC 107
65-74111-4373
17 MAY 14 1973
FSP

PAGE TWO

ON 5/10/73, AT 10:00 AM, HE WENT TO THE OFFICE OF DADE COUNTY, FLA., STATE ATTORNEY RICHARD GERSTEIN WITH HIS ATTORNEY ALFREDO DURAN. THEY WERE INTERVIEWED BY CHIEF INVESTIGATOR MARTIN DARDIS. DE DIEGO WAS ASKED IF HE HAD BEEN ADVISED BY ANYONE NOT TO FURNISH INFORMATION OR NOT TO TALK TO OFFICIALS. HE ADVISED THEM THAT NO ONE HAD TOLD HIM ANYTHING OF THE SORT AND ALTHOUGH HE HAD BEEN INTERVIEWED BY THE FBI, IT WAS UNDERSTOOD THAT HE WAS FREE TO DO ANYTHING HE WANTED TO DO AND TALK TO ANYONE HE WANTED TO TALK TO.

DARDIS ADVISED HIM THAT HE WAS AUTHORIZED ON THE BEHALF OF LOS ANGELES COUNTY OFFICIALS TO GRANT DE DIEGO FULL IMMUNITY FOR ANY INFORMATION HE COULD FURNISH REGARDING THE ELLSBERG AFFAIR. UPON RECEIVING AGREEMENT FROM HIS ATTORNEY, DURAN, DE DIEGO FURNISHED ALL THE INFORMATION KNOWN TO HIM REGARDING THE SEPTEMBER, 1971, BREAK-IN OF THE OFFICES OF ELLSBERG'S PSYCHIATRIST IN BEVERLY HILLS, CALIF. HE WAS NOT QUESTIONED IN ANY WAY REGARDING ANY FACET OF THE WATERGATE AFFAIR. UPON FURNISHING ALL THIS INFORMATION TO THE DADE COUNTY STATE ATTORNEY'S OFFICE, DE DIEGO IS OF THE IMPRESSION THAT HE HAS FULFILLED HIS OBLIGATION IN THIS CONNECTION AND DOES NOT EXPECT TO BE INTERVIEWED

END PAGE TWO

PAGE THREE

FURTHER. HE DOES NOT PLAN TO MAKE ANY FURTHER STATEMENTS.

HE MADE NO DISCLOSURES AS TO WHAT INFORMATION HE HAD FURNISHED TO THE
STATE ATTORNEY'S OFFICE.

END

ROUTE IN ENVELOPE

Intelligence Division

INFORMATIVE NOTE

Date 5/11/73

On 5/10/73 Mr. H.E. Petersen, AAG, Criminal Division, informed Mr. E.S. Miller that Dick Hecht, District Attorney's Office, Los Angeles (LA) County, investigating burglary of office of Daniel Ellsberg's psychiatrist, told Petersen people they have tried to interview said they were instructed by FBI not to cooperate.

Telephonic inquiry of LA, Miami (MM) and WFO revealed no such statements made by Bureau Agents. Instructions issued to recontact individuals who could have misinterpreted statements during interview and advise them not under instructions or suggestions from FBI to withhold cooperation.

Attached teletype from MM shows recontact with Felipe de Diego. When informed of above, stated he fully understood, had made this clear when asked about it at Dade County, Florida, State Attorney's Office 5/10/73; when offered immunity had furnished all information regarding 9/71 break-in.

WFOtel 5/10/73 reported no instructions issued or anything said during interviews which could have been misinterpreted. LA tel 5/10/73 shows recontact with Efrain Juarez-Martinez and mother. They were informed free to talk to anyone; they understood this.

Xerox copies of pertinent tels, with administrative data deleted, being furnished to Mr. Petersen. *add*

HJM:bcw *add* *THW* *WIC* *FR*

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gearty	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Herington	_____
Mr. Conny	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR 001 LA CODE

944AM URGENT 5-10-73 CXF

TO ACTING DIRECTOR (65-74060)

ATTN: INTD

MIAMI (65-3264)

WASHINGTON FIELD (65-11613)

FROM LOS ANGELES (105-27952) 2P

MC LEK, SIO

WSP

RE MIAMI TELETYPE, MAY NINE LAST.

FOR INFORMATION OF MIAMI, JOSEPH BUSCH, LOS ANGELES COUNTY DISTRICT ATTORNEY, HAS PUBLICLY ANNOUNCED THAT A GRAND JURY WILL BE CONVENED TO INVESTIGATE THE BURGLARY OF DOCTOR FIELDING'S OFFICE BY HUNT, LIDDY, ET AL, AND THAT HE HAS SENT A TEAM OF INVESTIGATORS TO WASHINGTON, D.C., TO CONFER WITH JUDGE SIRICA AND TO INTERVIEW THE THREE CUBANS WHO WERE INVOLVED IN ACTUAL BREAK-IN. THIS ACTION RECEIVING GREAT PUBLICITY IN LOCAL PRESS.

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17 MAY 21 1973

PROSECUTOR IN ELLSBERG TRIAL, DEPARTMENTAL ATTORNEY DAVID R. NISSEN, WAS NOT CONTACTED IN THIS MATTER AS HE IS NOT IN POSITION TO ADVISE IF DEPARTMENTAL ATTORNEYS HANDLING THE WATERGATE GRAND JURY IN WASHINGTON, D.C., INTEND TO CONFER IMMUNITY ON FELIPE DE DIEGO. REQUEST FOR THAT INFORMATION

END PAGE 079 MAY 23 1973

JPW

LA 105-27952

PAGE TWO

SHOULD BE OBTAINED DIRECTLY FROM THE DEPARTMENT BY THE BUREAU.

UACB, LOS ANGELES WILL NOT CONTACT DISTRICT ATTORNEY
BUSH FOR INFORMATION REGARDING HIS PLANS FOR IMMUNITY OF
DE DIEGO. THAT IS A MATTER FOR THE DEPARTMENT TO RESOLVE
WITH LOS ANGELES COUNTY.

LOS ANGELES RECOMMENDS THAT MIAMI CONTINUE TO ATTEMPT
TO INTERVIEW DE DIEGO REGARDLESS OF ANY OFFERS OF FEDERAL OR
LOCAL IMMUNITY.

END

DLM FBI HE CLR

29 Nov 62
Shaw

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 11 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Barnes	_____
Mr. Bowers	_____
Mr. Hamilton	_____
Mr. Conmy	_____
Mr. Minn	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR009 WF CODE

215 PM IMMEDIATE 5-11-73 FMK

TO ACTING DIRECTOR (65-74060)

ATTENTION INTD

-LOS ANGELES

FROM WASHINGTON FIELD (65-11613)

UNITED STATES VS ANTHONY JOSEPH RUSSO, JR.; DANIEL
ELLSBERG; ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

RE BUREAU TELETYPE 4-30-73 ADVISING DEPARTMENT OF JUSTICE
AUTHORIZE INTERVIEW [REDACTED]
[REDACTED] ATTORNEY FOR [REDACTED] ADVISED ON
5-11-73 HE PREFERS NOT TO HAVE YOUNG SUBJECTED TO A FBI
INTERVIEW AT THIS TIME.

END

DLM FBI HQ CLR

REC 107

DO NOT DISSEMINATE
JRW

65-74060-433
MAY 21 1973

CC: MR. GERHARDT

79 MAY 23 1973

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Mr. Felt	<input checked="" type="checkbox"/>
Mr. Baker	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>
Mr. Cleveland	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>
Mr. DeLoach	<input type="checkbox"/>
Mr. Jenkins	<input type="checkbox"/>
Mr. Marshall	<input type="checkbox"/>
Mr. Miller	<input checked="" type="checkbox"/>
Mr. Soyars	<input type="checkbox"/>
Mr. Thompson	<input type="checkbox"/>
Mr. Walters	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Rouse	<input type="checkbox"/>
Mr. Evans	<input type="checkbox"/>
Mr. Gandy	<input type="checkbox"/>
Mr. Harrison	<input type="checkbox"/>
Mr. Cenny	<input type="checkbox"/>
Mr. Nease	<input type="checkbox"/>
Mr. Lardley	<input type="checkbox"/>
Mrs. Hogan	<input type="checkbox"/>

OW
TELETYPE

NR011 WF CODE

3:06 PM IMMEDIATE 5-11-73 FMK

TO ACTING DIRECTOR

ATTENTION INTD

FROM WASHINGTON FIELD (65-11613)

UNITED STATES VS ANTHONY JOSEPH RUSSO, JR.; DANIEL
ELLSBERG; ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

REBUREAU TELETYPE 4-30-73 ADVISING DEPARTMENT OF JUSTICE
AUTHORIZE INTERVIEW OF [REDACTED]
[REDACTED], ATTORNEY FOR [REDACTED] ADVISED ON
5-11-73 [REDACTED] UNITED STATES ATTORNEY'S OFFICE,
WASHINGTON, D.C., [REDACTED] PREFERS NOT TO HAVE [REDACTED]
SUBJECTS TO A FBI INTERVIEW AT THIS TIME.

ASSISTANT UNITED STATES ATTORNEY EARL J. SILBERT
SPECIFICALLY REQUESTED [REDACTED]
STATES ATTORNEY'S OFFICE, WASHINGTON, D. C., [REDACTED]

END

79 MAY 23 1973
PLS HOLD FOR ANOTHER ONE

cc: MR. GOODMAN

REC 107 65 71 4300
7 MAY 21 1973
Stanley

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 11 1973
one
TELETYPE

NR002 WF CODE

11:54 AM IMMEDIATE 5-11-73 KEP

TO ACTING DIRECTOR, FBI (65-74060) (ATTN: INTD)
LOS ANGELES

FROM WASHINGTON FIELD (65-11613) ONE PAGE

UNITED STATES VS ANTHONY JOSEPH RUSSO, JR; DANIEL ELLSBERG;
ESPIONAGE, THEFT OF GOVERNMENT PROPERTY, CONSPIRACY.

INQUIRY TODAY AT OFFICE OF DAVID SHAPIRO, ATTORNEY
FOR CHARLES W. COLSON, DETERMINED SHAPIRO PRESENTLY IN
NEW YORK CITY AND EXPECTED TO RETURN TO WASHINGTON, D.C.
MAY 12, 1973. SHAPIRO PLANS TO BE IN LOS ANGELES, FIRST
OF NEXT WEEK. REQUEST HAS BEEN LEFT AT SHAPIRO'S OFFICE FOR
HIM TO CONTACT THE FEDERAL BUREAU OF INVESTIGATION, WASHINGTON,
D. C.

ADMINISTRATIVE: REBUTEL 5-10-73, AIRMAIL COPY TO LOS
ANGELES, AUTHORIZING REINTERVIEW OF COLSON. WFO WILL TRY
TO ARRANGE IMMEDIATE INTERVIEW OF COLSON FOLLOWING SHAPIRO'S
RETURN TO WASHINGTON, D. C. THIS WEEKEND.

END

HHUISHUSTI

Mr. Tolson	✓
Mr. DeLoach	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Felt	✓
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Mr. Tele. Room	
Mr. Holmes	
Miss Gandy	

ASm

REC 107

65-74060-435

MAY 21 1973

cc- *Heckhardt*

79 MAY 23 1973

Intelligence Division

INFORMATIVE NOTE

Date

5/11/73

ELLSBERG CASE

1 - Mr. Eardley

Attached relates to unavailability of David Shapiro, attorney for Charles W. Colson, until 5/12/73.

Memorandum W. R. Wannall to Mr. E. S. Miller, dated 5/10/73, recommended that Colson, former Special Counsel to the President, be reinterviewed in order to fully develop information he may possess concerning the funding of the so-called "Special Unit" at The White House which reportedly investigated the "Pentagon Papers" disclosure. This recommendation was approved by the Acting Director.

Washington Field will attempt to arrange immediate interview of Colson following Shapiro's return to Washington, D.C., this weekend.

JRW:mlr

JRW

ack

EM

Flem

WFL

WFL

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: May 11, 1973

FROM : Mr. E. S. Miller

SUBJECT: UNITED STATES vs. ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

The Department has requested that we update a request for electronic surveillance search regarding Ellsberg and Russo and certain individuals listed in a court order dated 7/7/72, as amended. In addition a request was made to furnish electronic surveillance information relative to Victor Rabinowitz from 12/1/70.

Further, the Department requested advice as to whether electronic surveillance was conducted by the FBI in connection with the overall investigation of the "Pentagon Papers" case.

The Department also requested an electronic surveillance check regarding Dr. Morton Halperin for the period 1/1/67 to 5/10/73.

In addition a series of questions have been directed to the Government (Department) from the bench in Los Angeles, concerning the existence or non-existence of records relating to electronic surveillances on Dr. Halperin and other individuals between 1969 and 1971.

We have developed the answers to all requests of the Department except those questions relating to existence or non-existence of electronic surveillance records on Halperin and others between 1969 - 1971. Answers to one series of questions from the bench were provided 5/10/73, and these answers generated additional questions from the bench.

Although there were two electronic surveillance overhearings on Halperin in 1969 and 1970, unrelated to this case, we cannot reply fully at this point because of an electronic surveillance on Halperin 1969-71, for which no records are currently available.

TJS:mjt
(4)

- 1 - Mr. E. S. Miller
- 1 - Mr. W. R. Wannall
- 1 - Mr. Walters

CONTINUED - OVER

17 MAY 21 1973

79 MAY 23 1973

Mr. Felt ☒
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller ☒
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

REC 107-65-7411-1-4360

Memorandum to Mr. Felt
RE: UNITED STATES vs. ANTHONY JOSEPH RUSSO, JR.,
AND DANIEL ELLSBERG
ELECTRONIC SURVEILLANCE

As you know information developed through inquiry to date indicates that the records in question were last known to be at The White House, and until this point is resolved, no complete answer can be given to the Department relative to the requests listed above. At such time as appropriate White House officials make known the present state of pertinent records, we will be able to comply fully with the Department's requests. The Department is coordinating this matter with The White House and the latter's official position concerning this matter will be furnished us by the Department.

ACTION:

For information

WHL EM FMA

WHL

NR 040 LA CODE

830 PM URGENT 5-11-73 GLD

TO ACTING DIRECTOR (65-74060) ATTN: INTD
WASHINGTON FIELD (65-11613)
FROM LOS ANGELES (105-27952) 4P

MC LEK, SIO.

DURING MORNING COURT SESSION, MAY ELEVEN INSTANT, DEFENSE
ARGUED MOTIONS FOR DISMISSAL BASED ENTIRELY ON WIRE TAP
ISSUE. DEFENSE ATTORNEYS BOUDIN AND WEINGLASS STATED
ALTHOUGH THEY WERE NOT OPPOSED TO DISMISSAL ON THIS ISSUE,
A SITUATION EXISTED THAT APPEARED TO NEED FURTHER INVESTI-
GATION. THEY STATED IT WAS ODD TO THEM THE FBI PRODUCED ITS
QUOTE MYSTERIOUS UNQUOTE EMPLOYEE WHO FURNISHED INFORMATION
ON WHICH DISMISSAL ON THESE GROUNDS COULD BE SUSTAINED ONLY
AFTER THE ENTRANCE INTO THE ELLSBERG CASE OF THE WATERGATE
PARTICIPANTS AND THEIR CLOSE CONNECTION WITH PRESIDENT NIXON.
THEIR INSINUATION WAS THAT FBI FURNISHED GROUNDS FOR
DISMISSAL TO SAVE FURTHER EMBARRASSMENT TO THE WHITE HOUSE.

IN REBUTTAL TO DEFENSES' ARGUMENTS, PROSECUTOR NISSEN
ARGUED THAT NOT ONE SHRED OF EVIDENCE HAD BEEN PRESENTED BY
END PAGE ONE

79 MAY 23 1973

ROUTE IN ENVELOPE

Mr. Felt	
Mr. Bates	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Mr. Gandy	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Mr. Gandy	

REC 107

MAY 21 1973

Jaw

LA 105-27952

PAGE TWO

THE GOVERNMENT BASED ON INFORMATION OBTAINED FROM ELECTRONIC SURVEILLANCES AND THAT HE WAS PREPARED TO DOCUMENT THE INDEPENDENT METHOD BY WHICH HE OBTAINED THE TESTIMONY OF WITNESSES AND ANY EXHIBITS OFFERED IN EVIDENCE.

AFTER HEARING ALL ARGUMENTS, JUDGE BYRNE RECESSED COURT FOR SIXTY MINUTES.

AT ONE THIRTY PM COURT RECONVENED. BYRNE ANNOUNCED HE WAS PREPARED TO RULE ON THE MOTION FOR DISMISSAL. HE ADVISED THE DEFENDANTS HE WOULD OFFER THEM THE OPTION OF WITHDRAWING THEIR MOTION AND LETTING THE JURY DECIDE THE MERITS OF THE CASE HOWEVER INSTRUCTED THEM THAT BASED UPON HIS REVIEW OF EVIDENCE PRESENTED HE WOULD NOT BE INCLINED TO GRANT A JUDGEMENT OF ACQUITTAL AND THAT THE HEARINGS REQUESTED BY THE DEFENSE TO INVESTIGATE THE EXTENT OF THE GOVERNMENT'S MISCONDUCT IN THIS CASE WOULD BE SO BROAD IN SCOPE HE WOULD NOT GRANT THESE HEARINGS UNTIL AFTER A VERDICT OF THE JURY HAD BEEN RETURNED.

DEFENSE ATTORNEY BOUDIN STATED DEFENSE WAS WILLING TO ACCEPT THE RULING ON A MOTION OF DISMISSAL BUT REQUESTED THE MOTION SHOW THAT IN ADDITION TO THE WIRE TAP ISSUE IT WAS BASED UPON GOVERNMENT MISCONDUCT; GOVERNMENT WITHHOLDING OF EXCULPATORY MATERIAL; GOVERNMENT-CAUSED DELAYS IN THE TRIAL WHICH WERE PREJUDICIAL TO THE DEFENDANTS AND THE GOVERNMENT'S REPEATED FAILURE TO COMPLY WITH COURT ORDERS.

END PAGE TWO

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PAGE THREE

JUDGE BYRNE REPLIED ALL OF THE ABOVE HAD BEEN TAKEN INTO CONSIDERATION IN REACHING HIS DECISION.

BYRNE ANNOUNCED HE WAS GRANTING THE DEFENSES' MOTION FOR DISMISSAL AND IN A TWENTY-MINUTE PRESENTATION OF HIS RULING TOUCHED HEAVILY UPON THE BURGLARY OF DOCTOR FIELDING'S OFFICE BY HUNT AND LIDDY; THE ASSISTANCE GIVEN TO HUNT AND LIDDY BY CIA WHICH WAS OUTSIDE THE SCOPE OF CIA'S RESPONSIBILITIES; THE FBI'S KNOWLEDGE AND APPROVAL OF THE SPECIAL UNIT IN THE WHITE HOUSE OF WHICH HUNT AND LIDDY WERE MEMBERS. DESPITE THE FACT THE FBI HAD INVESTIGATIVE JURISDICTION IN THIS CASE; THE REVELATION OF THE NEW INFORMATION RECEIVED BY ACTING DIRECTOR RUCKELSHAUS THAT ELLSBERG HAD BEEN OVERHEARD ON A TAP OF THE RESIDENCE OF MORTON HALPERIN AND THAT ALL RECORDS PERTAINING TO THIS SURVEILLANCE HAD APPARENTLY BEEN DESTROYED; THE GOVERNMENT'S FAILURE TO RESPOND TO HIS REQUEST FOR ADDITIONAL INFORMATION CONCERNING THIS WIRE TAP; THE FACT HE BELIEVED ANY FURTHER DELAY WOULD NOT PRODUCE SATISFACTORY ANSWERS AS THE RECORDS WERE APPARENTLY MISSING; THE FACT THAT SILBERT'S MEMORANDUM TO PETERSEN WAS NOT RECEIVED BY HIM UNTIL AFTER TEN DAYS HAD PASSED AND THE GOVERNMENT'S RESPONSE TO HIS QUESTIONS CONCERNING FIELDING'S BURGLARY HAD BEEN INADEQUATE; THAT THE GOVERNMENT HAD WITHHELD EXPULPATORY MATERIAL, THAT THE GOVERNMENT HAD CAUSED DELAYS IN THE TRIAL

END PAGE THREE

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PAGE FOUR

WHICH HAD BEEN PREJUDICIAL TO THE DEFENDANTS AND FINALLY IT APPEARED TO HIM THERE WAS NO WAY OF EVER FINDING OUT WHAT WAS CONTAINED IN THE MISSING RECORDS OF BOTH THE SPECIAL UNIT OF THE WHITE HOUSE AND OF THE FBI.

BYRNE STATED ALTHOUGH THE DEFENSE HAD NOT MOVED FOR A MISTRIAL, HE HAD DISMISSED IT AS A CONSIDERATION IN ANY CASE AS THE DEFENDANTS WOULD FACE THE RISK OF BEING RETRIED UNDER THE SAME AUTHORITIES RESPONSIBLE FOR THE ABOVE DERELICTIONS.

IN ESSENCE, THE MAIN EMPHASIS OF BYRNE'S RULING WAS LAID ON THE BURGLARY OF DOCTOR FIELDING'S OFFICE AND THE MISSING WIRE TAP RECORDS OF THE FBI. THE WHITE HOUSE, THE CIA, AND THE FBI TOOK THE MAIN BRUNT OF THIS CRITICISM.

THE COMPLETE TRANSCRIPT OF JUDGE BYRNE'S REMARKS WILL BE MADE AVAILABLE BY THE COURT REPORTER ON MONDAY, MAY FOURTEEN NEXT. A COPY WILL BE OBTAINED AND FORWARDED TO THE BUREAU.
END

GWS WASH DC

ACK CLR

Intelligence Division

INFORMATIVE NOTE

Date 5/12/73ELLSBERG CASE

Attached sets forth the decision of Judge Byrne on 5/11/73 dismissing all charges against Daniel Ellsberg and Anthony John Russo, Jr. on grounds of government misconduct which he indicated made it impossible for them to have a fair trial. The main emphasis of Byrne's ruling was laid on the burglarly of Dr. Fielding's office and the missing wire tape records of the FBI. LA Office will obtain complete transcript of Judge Byrne's remarks on 5/14/73 when available.

A copy of attached will be disseminated to Deputy Assistant Attorney General Kevin T. Maroney.

DR:jlk

*8/11/73**EM/...**WRC**7/2/73**WRC*

ROUTE IN ENVELOPE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Holmes	_____
Miss Gandy	_____

NR 001 WF CODED

TELETYPE

2:10 P.M. URGENT 5-12-73 COT

TO ACTING DIRECTOR, FBI (65-74060)

ATTENTION: INTD

LOS ANGELES

FROM WASHINGTON FIELD OFFICE (65-11613)

UNITED STATES VERSUS ANTHONY JOSEPH RUSSO, JR.; DANIEL
ELLSBERG; ESPIONAGE, THEFT OF GOVERNMENT PROPERTY,
CONSPIRACY.

DAVID SHAPIRO, ATTORNEY FOR CHARLES W. COLSON, ADVISED
5-12-73, HE MUST BE IN LOS ANGELES AREA 5-14-15-73, AND WILL
MAKE COLSON AVAILABLE FOR FBI INTERVIEW 5-16-73.

ADMINISTRATIVE: RE BUTEL TO WFO, 5-10 LAST AUTHORIZING
REINTERVIEW OF COLSON. SHAPIRO CONTACTED 5-11-73 AND HE WAS
INFORMED INTERVIEW WOULD, FOR SAKE OF EXPEDIENCY, COVER SPECIFIC
MATTERS RELATED TO BOTH PENTAGON PAPERS AND WATERGATE INVESTI-
GATIONS. HE AGREES TO HAVE COLSON AVAILABLE FOR INTERVIEW
5-12, BUT LATER ADVISED WASHINGTON FIELD OFFICE, HE NEEDED THE MAY 21 1973
ADDITIONAL TIME FOR FURTHER CONSULTATION WITH COLSON.
WASHINGTON FIELD OFFICE WILL INTERVIEW COLSON 5-16-73.

END

VAE FBIHQ CLP
9 MAY 23 1973

ROUTE IN ENVELOPE

cc- Gishhardt

Intelligence Division

INFORMATIVE NOTE

Date 5/12/73

For information, WFO was authorized on 5/10/73, to re-interview Charles W. Colson, regarding specific matters related to both Pentagon Papers and Watergate investigations. David Shapiro, attorney for Colson agreed to have his client interviewed on 5/12/73. On 5/12/73, Shapiro advised that he would be out of town and interview was scheduled for 5/16/73, by WFO agents.

GLY:ch
11/1/77

WGC

EM/wfm

CSK

~~7~~

ROUTE IN ENVELOPE

MAY 1 1973

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Gelbard	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Soyars	_____
Mr. Thompson	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Bates	_____
Mr. Bunn	_____
Mr. Lowery	_____
Mr. Herington	_____
Mr. Conny	_____
Mr. Mintz	_____
Mr. Eardley	_____
Mrs. Hogan	_____

NR022 LA CODE

522 PM NITEL 5-15-73 DLW

TO ACTING DIRECTOR

ATTN: INTD

FROM LOS ANGELES (105-27952) (P) 1P

MC LEK, SIO.

DANIEL ELLSBERG DEPARTED LOS ANGELES 9:15 AM, 5-15-73,
VIA AMERICAN AIRLINES FLIGHT 76, SCHEDULED TO ARRIVE DULLES,
VIRGINIA, 5:00 PM.

LOCAL NEWSCASTS THIS DATE HAVE ANNOUNCED THAT ELLSBERG
WILL BE TESTIFYING BEFORE A CONGRESSIONAL COMMITTEE ON "SECRECY."
ADMINISTRATIVE

RE LOS ANGELES TELEPHONE CALL TO BUREAU, 5-15-73.

CONGRESSIONAL COMMITTEE REFERRED TO ABOVE MAY BE
REPRESENTATIVE PAUL MC CLOSKEY'S SUBCOMMITTEE ON STUDY OF
CLASSIFICATION OF GOVERNMENT DOCUMENTS.

ELLBERG'S DEPARTURE OBSERVED BY SPECIAL AGENT OF
LOS ANGELES WHO WAS AT AIRPORT ON ANOTHER MATTER.

END

REC 107 65-74060-4365

MAY 21 1973

79 MAY 23 1973

5/16/73
2 cc to DAA
1 cc to T. M. M. M. M.
JP

W. S. M. 13

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: 5/15/73

FROM : E. S. Miller

SUBJECT: DANIEL ELLSBERG CASE

Mr. T. ☒
Mr. Baker ☐
Mr. Callahan ☐
Mr. Cleveland ☐
Mr. Conrad ☐
Mr. Gebhardt ☐
Mr. Jenkins ☐
Mr. Marshall ☐
Mr. Mitter, E.S. ☒
Mr. Soyars ☐
Mr. Thompson ☐
Mr. Walters ☐
Tele. Room ☐
Mr. Baise ☐
Mr. Barnes ☐
Mr. Bowers ☐
Mr. Herington ☐
Mr. Conmy ☐
Mr. Mintz ☐
Mr. Eardley ☐
Mrs. Hogan ☐

Judge W. Matt Byrne, Jr., who was hearing the Ellsberg trial, became aware through press accounts that the FBI had obtained material from the office of E. Howard Hunt in connection with the Watergate Case during June, 1972. Because Hunt had allegedly participated in a burglary of the office of Ellsberg's psychiatrist he demanded that information obtained from Hunt's office be furnished the court. Assistant Director Walters has inquired of Assistant Director Miller whether or not the Intelligence Division was informed that the material obtained from Hunt's office contained information concerning Ellsberg at the time the material was obtained.

In connection with the Watergate investigation, Mr. John Dean of the White House on 6/26/72 provided Special Agents of the Washington Field Office one cardboard box which Dean contended was taken from Room 338 of the Executive Office Building occupied by E. Howard Hunt. On the same date Mr. Fred Fielding, also of the White House, provided another large cardboard box containing material also obtained from Hunt's office. An inventory of this material was made and recorded by the Special Agents involved on two FD-302s both dated 7/3/72. The material recovered was subsequently turned over to Assistant U. S. Attorney Earl J. Silbert who is handling the Watergate Case.

On 4/27/73, Judge Byrne was apprised of the allegation that E. Gordon Liddy and E. Howard Hunt had on an unspecified date burglarized the office of the psychiatrist of Daniel Ellsberg. Judge Byrne apparently learned through press reports that the FBI had obtained material from E. Howard Hunt's office in connection with the Watergate investigation and therefore demanded that the information so obtained be furnished him for the purpose of ascertaining if this material included any information coming from the office of Ellsberg's psychiatrist. As a result of Judge Byrne's request, Agents of the Washington Field Office made a detailed supplementary inventory on 5/2/73 of the material with the co-operation of Assistant U. S. Attorney Earl Silbert. The original inventory made in June, 1972, the supplementary inventory made in May, 1973, and copies of all items pertaining to Ellsberg were furnished to Judge Byrne through the Department of Justice.

1 - Mr. Eardley
1 - Mr. Gebhardt
1 - Mr. Walters
1 - Mr. Wagoner
JRW:nlb (4)

REC 107

ROUTE IN ENVELOPE

(CONTINUED - OVER)

84 JUN 12 1973

Memorandum to Mr. Felt
Re: DANIEL ELLSBERG CASE

In connection with the revelation that the Hunt material contained information relating to Ellsberg inquiry has been made by the Inspection Division as to whether or not the General Investigative Division informed the Intelligence Division of this action. The General Investigative Division has advised that such notification was not made, however, it is their recollection that a Washington Field Office Supervisor said he notified "Brennan's group." (This refers to what was formerly known as the Special Investigations Office which at that time was headed by C. D. Brennan who is currently SAC of the Alexandria Office and Supervisors James R. Wagoner, Lionel E. Belanger and Jess Hagy.) The Washington Field Office Supervisor referred to may have been C. J. Jones who supervised the Ellsberg case in Washington Field Office.

On 5/15/73, Supervisor Jones, Washington Field Office, advised Inspector W. R. Wannall that at the time the Hunt material was reinventoried by Washington Field Office Agents, they refreshed his memory with regard to this material as follows. One of the Special Agents informed Jones that after the material was obtained in June, 1972, Jones was advised there were classified State Department documents and a folder on Ellsberg among the material. Jones was assured at this time that the material was fully described in an inventory which was set forth on an FD-302 which had been submitted to FBIHQ. In addition, the material relating to Ellsberg was of a background nature. Under the circumstances, Jones saw no reason to pursue the matter since background information would have no apparent relevancy to the prosecution of Ellsberg who was under indictment. Jones stated on 5/15/73 he had no recollection of furnishing this information to the Intelligence Division.

On 5/15/73 SA Wagoner advised Inspector Wannall that he first learned that material in Hunt's office had been recovered by the FBI when he read in a newspaper that former Acting Director Gray had reportedly destroyed some such material. With respect to the fact that the Hunt material contained data relating to Ellsberg this was learned by SA Wagoner at the time he was furnished a supplementary inventory of the material taken on 5/2/73.

On 5/15/73 SA Belanger advised he had no recollection of learning until a week or two ago that there was anything in the Watergate investigation relating to Ellsberg.

Memorandum to Mr. Felt
Re: DANIEL ELLSBERG CASE

A review of the Ellsberg file has been made and no record was located indicating that the Intelligence Division was apprised of the Hunt material prior to May, 1973. In view of this and Supervisor Jones' comments that he has no recollection of advising the Intelligence Division, no inquiries have been made outside the Division, that is with SAC Brennan or SA Hagy who is currently assigned to the Inspection staff.

ACTION:

This is in response to Assistant Director Walters' inquiry.

JPW
DAN

7 ~~WGC~~ EM

Law

WAF

Copf

MS

Intelligence Division

INFORMATIVE NOTE

Date

5/3/73

ELLSBERG CASE

During course of inquiries which Intelligence Division is making relating to alleged burglarizing of the office of Ellsberg's psychoanalyst, it was learned that approximately a month ago some of the material which was in the office of E. Howard Hunt 6/17/72 when the Watergate case broke had been examined by former Acting Director Gray in the presence of Agents of our Washington Field Office.

Last evening SAC McDermott, Washington Field Office, was requested to submit a detailed letterhead memorandum (LHM) setting forth the circumstances with regard to the above. The LHM, which is attached, reports that this examination of material by Mr. Gray arose as a result of a discussion at a luncheon in Mr. Gray's Office at which others were present. SA [REDACTED] commented about a recent newspaper article reporting that Hunt and G. Gordon Liddy had access to classified FBI material. All at the luncheon expressed amazement and SA [REDACTED] offered to get permission of Assistant U.S. Attorney Earl J. Silbert, prosecuting attorney in the Watergate case, to display such material to Mr. Gray. With the permission of Mr. Silbert, this was done in the presence of other guests at the luncheon and the material was returned intact to Mr. Silbert's office.

W:mah

CONTINUED - OVER

It is our recommendation that no further action be taken with respect to the incident described in the attached LHM.

With regard to the fact that Hunt had among his papers FBI material, we have instituted a separate inquiry in an effort to establish how he acquired such material, the results of which inquiry will be reported.

7/2/68

WJH



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535

May 3, 1973

Mr. Callahan	
Mr. Baker	
Mr. Callahan	
Mr. Cleveland	
Mr. Conrad	
Mr. Felt	
Mr. Jenkins	
Mr. Marshall	
Mr. Miller, E.A.	
Mr. Soyars	
Mr. Thompson	
Mr. Walters	
Tele. Room	
Mr. Holmes	
Mr. Anderson	
Mr. Tamm	
Mr. Harbo	
Mr. Sizoo	
Mrs. Neenan	

UNITED STATES

VS.

ANTHONY JOSEPH RUSSO, JR.;

DANIEL ELLSBERG,

ESPIONAGE, THEFT OF GOVERNMENT PROPERTY-CONSPIRACY

On an unrecalled date about one month ago, Special Agent (SA) [REDACTED] was invited to attend a luncheon in the office of then Acting Director L. Patrick Gray, III. Present at the luncheon in addition to Gray were Assistant Director Robert E. Gebhardt, SA [REDACTED] aides [REDACTED] and [REDACTED].

During the course of the conversation both during and after lunch, the discussion centered around access to Federal Bureau of Investigation (FBI) material, outside the Bureau.

SA [REDACTED] pointed out that there was a recent article in the newspaper dealing with the fact that convicted conspirators E. Howard Hunt, Jr. and George Gordon Liddy had access to classified FBI material. Those at the table were amazed that SA Lane believed the story to be true. SA [REDACTED] then related the following to explain why he felt the article was true:

On June 26, 1972, Counsel to the President, John Wesley Dean, III, turned over to FBI Agents two cartons of material which he said came from the office of E. Howard Hunt, Jr. a suspect in the Watergate case. The material was returned to the Washington Field Office where it was examined. The material contained numerous items which are normally kept in a desk, such as pencils, pens, writing paper, carbon paper, etc.

In addition, a small Colt Automatic, fully loaded was found in a tin box. There were also numerous manila envelopes and folders. One folder marked Ellsberg contained several newspaper clippings about Ellsberg and current investigation pertaining to him and the Pentagon Papers. Upon reviewing

65-7420-4366
ENCLOSURE

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.;

the material FBI Agents realized that what Charles Colson, then White House Aide, told them in June, 1972, about Hunt having been assigned to work on the Pentagon Papers project, was true.

Also found in the envelopes were numerous cablegrams between the United States Embassy in Saigon and the State Department which dealt with the situation in South Vietnam. Most were classified Secret and addressed to and from Secretary of State Rusk and the Ambassador in Saigon. In addition to the above, there were several FBI reports made by Agents on the West Coast; a folder pertaining to Paul Vann, and one envelope containing personal papers of Hunt.

Prior to the completion of the luncheon, SA [REDACTED] offered to contact Mr. Earl J. Silbert, Assistant United States Attorney handling the Watergate prosecution and determine if he would allow SA Lano to display some of the above described material to Mr. Gray. Mr. Gray said he was interested in seeing it. Thereafter SA [REDACTED] informed Mr. Silbert of Mr. Gray's interest and Mr. Silbert authorized the removal of material from Mr. Silbert's custody and to display it to Mr. Gray, with the understanding that it would not leave the custody of SAs [REDACTED] or [REDACTED] each of whom worked on the Watergate case.

At about 3:00 p.m. on this date, SAs [REDACTED] brought to Mr. Gray's office the material which had been in E. Howard Hunt's office and which had been turned over to the FBI in June, 1972, by White House representatives.

SA [REDACTED] sorted out the material on the conference table for Mr. Gray to examine. All of the above mentioned people at the luncheon, with the exception of Mr. Gebhardt, were present.

The display lasted about fifteen minutes. After Mr. Gray was satisfied with the fact that SA [REDACTED] was correct in previous statement, the material was then returned intact to the cartons and back to the Office of Mr. Silbert by SAs [REDACTED] and [REDACTED]

[REDACTED]

UNITED STATES VS.
ANTHONY JOSEPH RUSSO, JR.;

The material remained in the custody of SAs [REDACTED] and/o [REDACTED] during the entire period it was in Mr. Gray's office. No notes were made nor was any item copied.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.